4a. Implementation, enforcement and monitoring of the animal SBO ban

Introduction

4.1 The previous chapter described what Mr Maslin called the ‘haste and secrecy’ with which the animal SBO ban was introduced. The anxiety, shared by Mr Keith Meldrum and Mr John Gummer, that news of transmission to a pig should not break until MAFF was in a position to announce its response to this event resulted in drafting in haste and without consultation.

4.2 MAFF officials, however, took the view that the measure involved ‘a very simple, straightforward piece of legislation’ which would do little more than give statutory force to arrangements already in place under the human SBO ban and the United Kingdom Agriculture Supply and Trade Association (UKASTA) voluntary ban.\textsuperscript{968} As would become clear, the complexities of extending the ban on SBO to animal feed were far more extensive than MAFF officials had envisaged.

4.3 The 1990 Order, which imposed the ban, made no provisions in relation to the handling and disposal of SBOs, other than that they should not be supplied or used for feeding to animals. There already existed, however, under the Bovine Offal (Prohibition) Regulations 1989 (the 1989 Regulations) detailed regulations governing the handling and disposal of SBOs both in the slaughterhouse and upon removal from the slaughterhouse. These regulations had been made under the Food Act 1984 in order to protect human health. The manner in which they operated in relation to the achievement of that object is considered in vol. 6: \textit{Human Health 1989–96}. MAFF officials saw those regulations, however, not merely as serving the object of keeping SBOs out of the human food chain, but as providing vital assistance in ensuring that they did not enter the animal feed chain.

4.4 Chapters 4a and 4b consider the implementation, enforcement and monitoring of the animal SBO ban. We shall also see that MAFF looked to enforcement by District Councils of the human SBO regulations as a key element in attempting to ensure that SBO did not enter the animal feed chain. Accordingly, Annex A, which follows Chapter 4b, sets out in detail the provisions of the statutory regime under which both unfit meat and SBO were kept out of the human food chain.

4.5 It was the task of the Veterinary Field Service to monitor the implementation and enforcement of the SBO regulations. As the reader follows the narrative in this chapter, it may not be clear precisely what statutory obligations the Field Service was being expected to monitor. We believe that this may not always have been clear to the officers of the Field Service either.
The animal SBO ban legislation

4.6 The Bovine Spongiform Encephalopathy (No. 2) Amendment Order 1990 implementing the animal SBO ban came into force on 25 September 1990. The purpose of the Order was to extend the prohibition on the use of SBO in human food to feed for all animals and poultry.

4.7 This new Order amended article 8 of the Bovine Spongiform Encephalopathy (No. 2) Order 1988 which had, among other provisions, introduced the ruminant feed ban, prohibiting the sale or supply of feedstuffs incorporating ruminant protein for feeding to ruminants (RFB). The 1990 Order re-enacted the RFB and enacted new provisions for the animal SBO ban.

4.8 The material articles implementing the animal SBO ban provided that:

(3) No person shall knowingly sell or supply for feeding to animals or poultry any specified bovine offal or any feedingstuff which he knows or has reason to suspect contains specified bovine offal or animal protein which is derived from any specified bovine offal.

(4) Subject to paragraph (5) below, no person shall feed to an animal or poultry any specified bovine offal or any feedingstuff which he knows or has reason to suspect contains specified bovine offal or animal protein which is derived from any specified bovine offal.

4.9 In article 2 the definition of ‘animals’ previously restricted to ruminants was extended to all mammals except man, and any kind of non-mammalian four-footed beast. ‘Specified bovine offal’ was defined in the same terms as it had been in the 1989 Regulations which introduced the human SBO ban, namely: the brain, spinal cord, spleen, thymus, tonsils and intestines of a bovine animal over 6 months of age when slaughtered in the United Kingdom. The effect of these provisions was to prohibit the sale or supply of SBO, feedstuffs containing SBO, or protein derived from SBO for feeding to any mammal or four-footed beast or the direct feeding of such material to them.

4.10 Before discussing the scope of this legislation it is important to place in context the role of the enforcement bodies responsible for its implementation.

Role and responsibilities of local authorities

4.11 In England and Wales the primary responsibility for the enforcement of the human and animal SBO bans rested with the District and County Councils respectively. District Councils were responsible for legislation made under the...
Food Act 1984 while County Councils were responsible for legislation enacted under the Animal Health Act 1981 and the Agriculture Act 1970. The role of central government through the State Veterinary Service (SVS), discussed at paragraph 4.22 below, included a monitoring role in slaughterhouses, knacker’s yards and other premises. This involved providing advice and guidance to relevant operators and local authorities of any problems that were encountered in their visits and reporting to Ministers on the standards observed in the monitoring of these premises.

4.12 The number of local authorities carrying out these enforcement duties was significant. Between 1986 and 1994, there were 39 County Councils, 297 District Councils, 32 London Boroughs (plus the City of London) and 36 Metropolitan Districts in England. By 1996 County and District Councils numbers had declined to 35 and 275 respectively. However, 14 Unitary Councils had been created. London Borough and Metropolitan District numbers remained the same. Northern Ireland had 26 District Councils from 1986 to 1996. In 1986 Scotland’s local government consisted of 9 Regional and 53 District Councils, which were replaced by 29 Unitary Councils in 1996. In Wales there were 8 County Councils and 37 District Councils until 1996, when they were replaced by 22 Unitary Councils. The discussion which follows deals mainly with England and Wales; local authority responsibilities in Scotland and Northern Ireland are described in vol. 9: Wales, Scotland and Northern Ireland.

Division of responsibilities on the animal SBO ban

County Council responsibilities

4.13 The Order introducing the animal SBO ban was made under the Animal Health Act 1981. Enforcement was, therefore, the responsibility of County Councils. In practice, these enforcement responsibilities fell to Trading Standards Officers employed within the Trading Standards Departments of County Councils.

4.14 Mr Alan Lawrence of MAFF’s Animal Health Division recalled in oral evidence that:

Trading Standards Officers would have responsibilities for record keeping on farms, for welfare issues. And they were also our enforcers in places like knacker’s yards and hunt kennels and so on. Indeed, I think in animal health legislation they were always our enforcement officers, the Trading Standards Departments.

District Council responsibilities

4.15 However, as we have explained above, the animal SBO ban relied in part for its efficacy upon SBO being handled in accordance with the Bovine Offal (Prohibition) Regulations 1989, which were introduced under the Food Act 1984 to prohibit the inclusion of SBO in human food. We look at safeguards for humans in more depth in vol. 6: Human Health, 1989–1996. Enforcement of regulations made

974 Food Act 1984, s 72 (L1 tab 2B); Food Safety Act 1990, s 5 (L1 tab 2); Animal Health Act 1981, s 50 (L1 tab 1) Agriculture Act 1970, s 67 (L3 tab 1)
975 See Chapter 9 of vol. 15: Government and Public Administration
976 T32 p. 52
under the Food Act 1984 and its successor the Food Safety Act 1990 were the responsibility of District Councils. District Councils had power under those Acts to enter relevant premises in order to enforce food safety and hygiene regulations (see paragraphs 4.23–4.29 below).

4.16 The obligations of the District Council in respect of enforcement of Meat Hygiene, Meat Inspection and Meat Staining and Sterilisation Regulations is considered in vol. 6: *Human Health 1989–96* and are set out in vol. 14: *Responsibilities for Human and Animal Health*. District Councils employed Authorised Meat Inspectors (AMIs) and Environmental Health Officers (EHOs) within their Environmental Health Departments to discharge these obligations. Official Veterinary Surgeons (OVS) were also appointed by local authorities to oversee all hygiene and meat inspection in export-approved slaughterhouses and, following the introduction of the European Single Market on 1 January 1993, in all slaughterhouses. The role of local authority officers in slaughterhouses and the relationships between the various officers is considered in Chapter 5 of vol 6: *Human Health 1989–96*.

**National Animal Health and Welfare Panel**

4.17 The local authorities’ National Animal Health and Welfare Panel (National Panel), known until 1990 as the National Animal Health Panel (NAHP), was made up of members of different expertise from throughout Great Britain together with representatives from individual local authority bodies and MAFF. Issues for consultation and information were passed down from the National Panel to regional groups and on to individual local authorities. The National Panel met four times a year to discuss relevant and topical issues, and additionally met with other organisations and groups as and when required. Its terms of reference are:

(a) To act as a forum for discussion, exchange of ideas and liaison between ‘Local Animal Health and Welfare’ authorities in Great Britain responsible for enforcement of animal health and welfare legislation.

(b) To consider matters of common interest, including such matters as may be referred to them by professional and local authority associations.

(c) To facilitate and promote the co-ordination of efficient, uniform enforcement standards in animal health and welfare law and co-operate with and assist the professional and local authority associations in this context.

(d) To maintain liaison with MAFF and other appropriate organisations at both national and local levels.

(e) Where possible to assist in promoting arrangements for the training of local authority animal health and welfare staff.

4.18 Mr Lawrence recalled that the local authority representatives on the Panel were County Council members of the Trading Standards Departments responsible for the enforcement of animal health legislation, and that the meetings were usually

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977 S173 Godbold para. 3
978 S173 Godbold Appendix 1
chaired by head of division or a senior veterinarian from MAFF’s Animal Health Group.\textsuperscript{979}

\textbf{4.19} Mr Godbold, Secretary of the National Panel since 1992, said in a statement to the Inquiry that during the period from 1986 to 1996:

\texttt{. . . the NAH\&WP has been a major provider to MAFF of feedback and consultative response on animal health and welfare topics, BSE related or otherwise.}\textsuperscript{980}

\textbf{4.20} Lack of consultation with the Panel in respect of the introduction of the animal SBO ban led Mr Durnfold of Wiltshire County Council to write to Mr Maslin in 1991 in the following terms:

\begin{quote}
I would reiterate my previous comments to you about the wisdom of allowing the National Animal Health Panel to comment on Orders immediately prior to their coming into force. Yet again another Order, introduced with no consultation, has created practical enforcement loopholes which, as always, will be exploited by those who choose to get round the regulations. I would reiterate my previous request to you that draft Orders should be sent to the Panel for comment.\textsuperscript{981}
\end{quote}

\textbf{4.21} The National Panel was later consulted on the introduction of the BSE Order 1991 and the Spongiform Encephalopathy (Miscellaneous Amendments) Order 1994.\textsuperscript{982}

\section*{MAFF responsibility – the State Veterinary Service}

\textbf{Responsibilities of the State Veterinary Service}

\textbf{4.22} As noted above, the role of central government included a monitoring function. In practice this role was three-fold. Firstly, SVS staff were required to visit slaughterhouses, knacker’s yards and other premises to provide advice and guidance to operators regarding relevant legislation. Secondly, SVS staff were to inform local authorities of any deficiencies identified in their visits, in order that local authorities could enforce legislation uniformly. However, this advice did not extend to guidance to the local authorities on their own enforcement duties. Thirdly, SVS staff were required to report to Ministers on the findings of their visits to facilitate the formation of policy and the introduction of legislation.

\textbf{4.23} Section 63 of the Animal Health Act 1981 conferred wide powers of entry to ‘inspectors’ who were appointed either by the Minister (including veterinary inspectors) or by local authorities.\textsuperscript{983} Local authorities were required under S.52 to appoint as many inspectors as they thought necessary for the execution and enforcement of the Act.\textsuperscript{984} Section 63(2) provides that:

\begin{itemize}
\item \textsuperscript{979} T32 pp. 49–53
\item \textsuperscript{980} S173 Godbold para. 5
\item \textsuperscript{981} YB91/1/9/1.2
\item \textsuperscript{982} YB91/9.9/1.2 and YB93/12.7/3.1
\item \textsuperscript{983} S 89(1) ‘Inspector’ means a person appointed to be an inspector for the purposes of this Act by the Minister or by local authority, and, when used in relation to an officer of the Ministry, includes a veterinary inspector.
\item \textsuperscript{984} Definition of ‘Inspector’ see s89(1)
\end{itemize}
(2) An inspector may at any time enter any land or shed to which this Act applies, or other building or place where he has reasonable grounds for supposing:

(a) that disease exists or has within 56 days existed; or

(b) that the carcase of a diseased or suspected diseased animal is or has been kept, or has been buried, destroyed or otherwise disposed of; or

(c) . . . ; or

(d) that this Act or an order of the Minister or a regulation of a local authority has not been or is not being complied with.

4.24 The Food Act 1984 conferred powers of entry into slaughterhouses and knacker’s yards to central government, namely MAFF veterinarians, only for the purposes of ascertaining whether there had been any contravention of the Act or legislation made under it. Section 89 provided that:

(1) An inspector or authorised officer of the Minister and an authorised officer of the Secretary of State, for the purpose of ascertaining whether there is or has been any contravention of the provisions of this Act or of any regulations or order made under it, being provisions which the Minister in question is required or empowered to enforce –

(a) Shall have the powers of entry in subsection (2); . . .

(2) The powers of entry referred to in subsection (1) are the like powers of entry as are exercisable under section 87 or section 88 by an authorised officer of a council; and . . .

(3) For the purposes of any regulations made under section 13, this section and section 91(1) and (3) have effect as if the Minister as well as the local authority were empowered to enforce those regulations so far as they apply to slaughterhouses and knacker’s yards.985

4.25 Powers of entry under the Food Act were also provided to local authorities. Section 87(1) provided that:

(1) An authorised officer of the council shall . . . have a right to enter any premises at any reasonable hours –

(a) for the purpose of ascertaining whether there is or has been on, or in connection with, the premises any contravention of the provisions of this Act or of any regulations or byelaws made under it, being provisions which the council are required or empowered to enforce, and

(b) generally for the purpose of the performance by the council of their function under this Act or any such regulations or byelaws.986
4.26 The Food Safety Act 1990, which repealed and replaced most of the Food Act 1984, confined powers of entry to the authorised officer of the enforcement authorities, which was the District Council except in cases of ‘particular description’, whereby under section 6(3) of the Act:

The Ministers may direct, in relation to cases of particular description or a particular case, that any duty imposed on food authorities by subsection (2) above shall be discharged by the Ministers or the Minister and not by those authorities.

4.27 There was no equivalent power of entry to that contained in section 89 of the Food Act. Section 32 of the 1990 Act, which came into force on 1 January 1991, provides:

32.– (1) An authorised officer of an enforcement authority shall . . . have a right at all reasonable hours –

(a) to enter any premises within the authority’s area for the purpose of ascertaining whether there is or has been on the premises any contravention of the provisions of this Act, or of regulations or orders made under it: and . . .

4.28 Consequently, from 1 January 1991 the SVS no longer had powers of entry into slaughterhouses in relation to the human SBO ban. However, it retained all powers of entry under the Animal Health Act 1981 for disease control and the monitoring of compliance with legislation made under that Act pursuant to section 63.

4.29 Witnesses have told us in oral evidence that in practice this did not prevent monitoring by SVS officials, as they would usually visit premises in attendance with local authority inspectors who had the relevant powers of entry. Mr Meldrum said in oral evidence:

[SVS officials] had to enter to do our checks with the cooperation of the district council. It did not make life any easier, although on the other hand I do not believe that they obstructed us in our wishes to go in, although they made it quite difficult sometimes, when we were talking about unannounced visits, they would like to be present when we went in.

4.30 In addition to possessing certain powers of entry to monitor enforcement by local authorities through the SVS, MAFF’s Meat Hygiene Division also provided guidance to local authorities on how the various regulations should be implemented. This was provided by Food Standards and Hygiene (FSH) circulars, sent to the Chief EHO of each local authority. We were provided with a number of these circulars issued during the period 1990–95. However, the ones we have seen did not provide any specific guidance on the implementation of the animal SBO ban until 1995, and then only in relation to the staining requirements introduced by the Bovine Offal (Prohibition) (Amendment) Regulations 1995. This is discussed at the appropriate place below.
Structure of the Veterinary Field Service

4.31 For the purposes of this chapter the most important part of the SVS was the Veterinary Field and Investigation Service (VFIS). The VFIS was headed during the period covered in this chapter by Mr Iain Crawford, who reported to Mr Meldrum, the Chief Veterinary Officer. The VFIS was itself subdivided into the Veterinary Field Service (VFS) and the Veterinary Investigation Service.

4.32 The VFS is the executive arm of the SVS and operates throughout Great Britain. It is responsible for implementing MAFF’s policies in respect of animal health and welfare and the protection of human health. It was the VFS staff who would have undertaken the visits to slaughterhouses and rendering plants described in this chapter. The Veterinary Investigation Service, on the other hand, provided laboratory and veterinary support to the VFS.

4.33 The VFS was organised on a regional basis. Within England and Wales there were five regional offices at Bristol, Cambridge, Cardiff, Harrogate, Reading and Wolverhampton. In addition, there were Scottish regional offices in Edinburgh and Aberdeen, the latter replaced by one in Inverurie during 1993.

4.34 Each regional office was headed by a Regional Veterinary Officer (RVO) assisted by a Deputy RVO (DRVO). In England and Wales the RVOs reported directly to Mr Crawford, while in Scotland they reported to an Assistant Chief Veterinary Officer in Edinburgh who in turn reported to Mr Crawford. Throughout the period 1986–96 a lead region was responsible for feeding back advice on the drafting and implementation of instructions issued by headquarters at Tolworth. The lead region on BSE was the South West, whose headquarters were at Bristol.

4.35 Each of these regions was further divided into divisional areas or Animal Health Divisional Offices, which reflected county areas except in cases where two smaller counties made up a single division. In 1991 there were 41 divisions in Great Britain. Following structural reorganisation of the VFS in 1995 and 1996, the number of divisions was reduced to 23, while the number of regions was reduced to 5. Each Animal Health Divisional Office was headed by a Divisional Veterinary Officer (DVO), who supervised Veterinary Officers (VOs) and technical staff within their division. Technical staff or technicians were Animal Health Officers (AHOs), who assisted the veterinary officers in their duties, and undertook certain duties themselves. Senior AHOs undertook similar duties to VOs.

4.36 VOs in the field were involved with ‘implementing the full range of Ministerial policies in respect of animal health and welfare, international trade in animals and animal products, and the protection of human health’. This could include ‘dealing with outbreaks of notifiable disease, protecting animal welfare, facilitating exports of animals and animal products through the control of notifiable diseases and preventing the introduction of notifiable diseases into the country’.

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991 From 1986 – November 1990 the Director of the Veterinary Field Service (DVFS)
992 M64 tab 2 p. 95
993 M42 tab 2 p. 95
994 Information regarding the organisation of the SVS can be gleaned from the annual reports of the Chief Veterinary Officer, M24
995 S94 Matthews para. 9
996 T34 p. 16
997 M64 tab 12 p. 111
998 S84 Crawford para. 14

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disease and the provision of export certification which verified the status of the exported commodity. . .’. 999

4.37 VOs’ role in the protection of public health involved inspection of abattoirs and monitoring of compliance with meat hygiene regulations.1000 To aid this task, a number of VOs had special training in meat hygiene. These VOs(MH) were obliged to spend 50 per cent of their time devoted to meat hygiene duties, which entailed providing advice and guidance to plant operators and local authorities, in particular plant operators seeking export approval.1001 The VOs(MH) reported to the DVO on animal health matters, but to Regional Meat Hygiene Advisers (RMHAs) on specific meat hygiene issues.

4.38 DVOs oversaw and were responsible for the collection of samples from slaughterhouses, for disease monitoring and control purposes, and for welfare problems arising out of animal transit to slaughterhouses. However, this responsibility did not extend to welfare considerations within the slaughterhouses, which fell to the RMHAs.

4.39 RMHAs were responsible for the implementation of meat hygiene and welfare policy in slaughterhouses within their region. They reported to the Superintendent Meat Hygiene Adviser (SMHA)1002 at SVS headquarters in MAFF’s offices at Tolworth, who bore overall responsibility for the implementation of meat hygiene and welfare policy throughout England and Wales. For the structural and reporting changes in the SVS between 1986 and 1996 see annex 1 to vol. 15: Government and Public Administration.

The practice of SVS inspections

4.40 VFS officers carried out routine inspections and monitoring in slaughterhouses and other premises in accordance with instructions issued by MAFF in a manual known as ‘Inset 31A’. The instructions covered ‘inspection and reporting procedures for red meat’ in slaughterhouses, both domestic and export-approved, cutting plants, cold stores and knacker’s yards in England and in Wales.1003

Slaughterhouses

4.41 In March 1988, Inset 31A provided for visits to export-approved slaughterhouses to be conducted every month by the nominated VO(MH). Prescribed forms (MH1 forms) were required to be completed by VOs(MH), detailing the findings of the visit in relation to hygiene practices, structure and equipment, inspection and welfare. RMHAs, usually accompanied by a VO(MH), were also required to visit export-approved plants at least once every six months.1004

4.42 Domestic slaughterhouses were only required to be visited once every year by a VO who had received meat hygiene training, but who need not be the nominated VO(MH). Unannounced visits to both types of premises could be made in

999 S94 Matthews para. 4
1000 S94 Matthews para. 4
1001 M42 tab 1 p. 4
1002 The position of SMHA was created in May 1987 – S80 Booth para. 4(a)
1003 Inset 31A (March 1988 version) – M42 tab 1 p. 1
1004 Inset 31A (March 1988 version) – M42 tab 1 pp. 5–6
consultation with the RMHA. However, local authorities were to be given notice of unannounced visits and operators were to be warned at earlier visits that unannounced visits could be made in the future.\textsuperscript{1005}

\textbf{4.43} Following the introduction of the European Single Market, on 1 January 1993, Animal Health Circular 93/6 was issued replacing previous arrangements under Inset 31A for meat plants. ‘Full-throughput’ licensed slaughterhouses were to be visited at least once every three months; ‘low-throughput’\textsuperscript{1006} slaughtermen once every year and unannounced visits were to be made if considered necessary.\textsuperscript{1007}

\section*{Knacker’s yards}

\textbf{4.44} In March 1988, Inset 31A provided for visits to knacker’s yards to be carried out annually by a VO. However, unannounced visits could be made in consultation with an RMHA, subject to notice being given to the local authority and operators.\textsuperscript{1008}

\section*{SVS visits to monitor SBO controls}

\textbf{4.45} Following the introduction of the animal SBO ban, additional visits by SVS staff were introduced by MAFF to monitor the handling of SBO at slaughterhouses, collection centres, renderers, knacker’s yards and hunt kennels. The history and results of these visits are considered in greater detail in later sections of this chapter (see paragraphs 4.90–4.95 below). By way of summary, the instructions to SVS staff are set out in tabular form at annex B.

\section*{Scope of the legislation}

\section*{Errors identified in the Order}

\textbf{4.46} On 9 October 1990, Mr Sadler of the United Kingdom Renderers Association (UKRA) wrote to Mr Gummer asking for clarification regarding specified bovine offal from knackery animals. He noted that the new Order was explicit ‘that only Specified Offals from bovine animals over 6 months of age which have been slaughtered in the United Kingdom [were] covered by the order’. He noted that UKRA’s Council advice to members was that knackery material was exempt from the Order.\textsuperscript{1009}

\textbf{4.47} On 11 October 1990, about two weeks after the animal SBO ban was introduced, Mr John Maslin, Head of the Animal Health Division, Branch A (Notifiable Diseases), wrote to Miss Gillian Richmond of MAFF’s Legal Division. His minute, copied to Mr Meldrum, Chief Veterinary Officer (CVO), and others,\textsuperscript{1010} stated that, ‘not surprisingly, in view of the haste and secrecy in which it was
prepared,’ two errors in the Order had been identified. On the first error, Mr Maslin said:

It was our intention simply to re-enact the ban on ruminant proteins to ruminants in the amendment order. Unfortunately the change to the definition of animal means that the definition of animal protein is wider than just ruminant protein. In practice this has had no effect since no rendering plant produces any animal protein from, say, just pig material. Nevertheless, we should put it right. Could I suggest something on the lines of adding ‘derived from ruminants’ after ‘animal protein’ in 8 (1) and 8 (2) of the BSE Order. 1011

4.48 The second error identified by Mr Maslin was the definition of ‘specified bovine offal’. As worded, it only referred to offal from animals slaughtered in the UK. This did not cover fallen stock, and MAFF had received unconfirmed reports that renderers were taking advantage of this by using fallen animals in processed feed. Mr Maslin asked Miss Richmond to produce a draft Order to rectify these deficiencies as soon as possible. 1012

4.49 Mr Robert Lowson, Head of Animal Health Division, replied on behalf of the Minister to Mr Sadler’s earlier letter on 17 October 1990 to inform him that:

The Government’s clear intention is to ensure that no specified bovine offal from animals over 6 months of age or animal protein derived from it can be incorporated into feed rations for animals, birds or poultry. This includes specified bovine offal obtained from knackers and hunt kennels. Any other material from these establishments can be processed and incorporated into feed rations except that, if it is derived from ruminants, it can only be used in non-ruminant rations. 1013

4.50 He noted that the Legal Department had been instructed to prepare urgent legislation to amend the Order if they considered it necessary to make the legal position absolutely clear.

4.51 At a meeting on 9 November 1990, Mr Meldrum expressed concern that the animal SBO ban still allowed SBO from fallen animals to go into meat and bone meal (MBM) for animal feed. He asked that ‘an amendment be made quickly’. Mr Lowson agreed to discuss ‘hold ups in the Legal Department with Mrs Attridge’. 1014

4.52 Fallen animals would generally be handled by knackers or, in some instances, by hunt kennels which would collect and feed carcasses to their hounds. It is unclear whether, and if so to what extent, advantage was taken of this loophole in the Order by knackers and hunt kennels. However, on 9 January 1991, Mr Durnfold, Senior Public Health Inspector of Wiltshire County Council, wrote to Mr Maslin regarding the definition of ‘specified bovine offal’ in the Order. He noted that the definition did not extend to fallen animals: ‘therefore their brains, spinal cord, spleen, thymus, tonsils and intestines are not legally specified bovine offal, and therefore do not have to be kept separate in the offal bins at Knacker’s yards and Hunt Kennels’. He
stated that this material ‘can, and is being collected by the Renderers as if it was not specified bovine offal’, and could then ‘be quite legally incorporated into animal and poultry feed’.

4.53 These errors were not rectified until 6 November 1991, when the Bovine Spongiform Encephalopathy Order 1991 came into force (see paragraphs 4.191 below). A submission in September 1991, seeking the Minister’s approval of this further Order, noted that the two errors had ‘crept in’ due to the speed with which the animal SBO ban had been introduced. The submission stated that neither of the drafting errors had ‘had any effect in practice’.

Coverage of knacker’s yards and hunt kennels

4.54 Whilst knacker’s yards and hunt kennels were not included in the ban on SBO in human food, because meat from such sources was by definition unfit for human consumption, they remained a potential source of material that went into animal feed and, apart from slaughterhouses, the primary source of SBO. Historically, knackers provided approximately 10 per cent of material going to renderers. As described above, the animal SBO ban did not apply to SBO from ‘fallen stock’ until the amendments in 1991 were introduced.

4.55 After the introduction of the human SBO ban in November 1989, the major animal feed manufacturers took steps to exclude fallen stock from incorporation in their feed. Mr Paul Foxcroft of Prosper De Mulder (PDM), a large renderer, recalls that:

All the major feed companies in the UK (BOCMS, Dalgety, Bibby and Pauls), accounting for a large proportion of animal feed production had all required SBO-free MBM since the end of 1989 and free from fallen stock since March 1990.

4.56 Dr Brian Cooke of Dalgety Agriculture Limited, a large feed compounding, stated that in 1990:

We got the undertakings that [renderers] would take out fallen animals and the specified bovine offals and we instigated this inspection to ensure that that was taking place.

4.57 The United Kingdom Agriculture Supply and Trade Association (UKASTA), in addition to its policy of excluding SBO from feed adopted in November 1989, adopted the further policy of excluding fallen animals from their materials in October 1990. Their Feed Circular 488 strongly advised their members to make the exclusion of fallen animals, as well as SBO, a condition of contract for purchase
of all meat and bone meal. UKASTA communicated this decision to UKRA on 26 October 1990.

4.58 However, there was no legal restriction on the inclusion of any material emanating from fallen stock in animal feed. In such circumstances, it remained possible that some of this material would continue to be used for this purpose, including offals that in slaughtered animals constituted SBO.

4.59 Mr Iain Crawford, former Director of the Veterinary Field Service, suggested to the Inquiry that separation of SBO by knackers was not necessary:

I believe that the renderers said anything coming from knackers would be SBO, the whole lot would be regarded as SBO. They could not separate it, or at least they did not want to separate it. It was worthless material, all of it.

4.60 Dr Danny Matthews, an SVO in Notifiable Diseases Veterinary Section, expressed a similar view at a meeting with UKASTA’s Scientific Committee on 14 November 1990:

Dr Matthews reported that the Ministry did not see any problems with the exclusion of fallen stock from meat and bone meal. This was because the major renderers were treating all knackery material in the same way as specified bovine offals in view of the problems of separation.

4.61 However, it appears that some knackers were able to convince renderers that they could adequately separate SBO from non-SBO material. Summaries of SVS visits to knackers indicated that by June 1991 knackers were being charged more for the disposal of SBO than other non-SBO waste. Mr Crawford also qualified his evidence on this point, saying that renderers were treating all material from knackers as SBO ‘unless the knackers committed themselves to separating in separate receptacles’. This was consistent with Mr Lawrence’s summary of the position in his minute dated 23 November 1990:

For practical purposes renderers regard all material collected from knackers and hunt kennels as being specified bovine offal, unless [these suppliers] can effectively separate specified bovine offal from other material. This may be possible, particularly where there are few cattle in the knackers’ catchment area.

4.62 Whilst some renderers may have been preventing SBO from fallen stock from reaching the animal feed chain, the position remained that SBO from fallen stock could still be legally fed to hounds and passed on for pet food until it was rectified by the 1991 BSE Order (see paragraph 4.191 below).

4.63 A survey conducted by the SVS in mid-1990 had indicated that no knacker’s yards were selling specified bovine offals for pet food. At the same time 25 per cent
of kennels were found to be feeding specified bovine offal to their hounds. The same survey also recorded that 107 of 126 identified knacker’s yards were selling fallen stock for pet food.

4.64 The lack of legal obligations on knackers in relation to SBO handling was brought to MAFF’s attention by local authorities. Mr Penny explained MAFF’s Meat Hygiene Division’s handling of this issue:

Legal advice in 1994 was that knacker’s yards were outwith the scope of the SBO Regulations because the ‘premises’ referred to in Regulation 12 were those in Regulation 7, which specifically excluded knacker’s yards. In 1995 changes were made both to re-specify the stain which could be used to denature SBOs and to remove the requirement for a movement permit for by-products of SBOs. In considering these changes Local Authorities realised that technically the SBO Regulations did not apply to knacker’s yards. Subsequent correspondence with Local Authorities accepted that the SBO Regulations were unclear in their applicability but made the point that, bearing in mind the Government’s policy for the control of BSE, it was clear that the handling of SBO at knacker’s yards should be covered by the legislation. It was understood that the situation would be resolved with the introduction of the 1995 SBO Order, which would combine all the controls on SBO in all premises. In the meantime, I believed that as a matter of good practice, the Local Authorities would continue to apply the requirements of the SBO Regulations to knacker’s yards.

4.65 The application of the SBO regulations to hunt kennels was similarly questioned by local authorities with regard to movement permits in 1994. However, MAFF’s Legal Division was of the opinion, at the time, that the regulations did apply to hunt kennels by virtue of Regulation 7 of the human SBO regulations which applied to ‘any place’ other than a slaughterhouse or knacker’s yard. What was not appreciated by MAFF’s Legal Division was that the definition of SBO under the 1989 Regulations still did not apply to SBO from ‘fallen stock’. Although the SBO definition had been amended to include SBO from ‘fallen stock’ in the animal SBO legislation, the same amendment was not made in the human SBO legislation until November 1994.

4.66 Mr Crockett, a Senior Environmental Health Officer with Carmarthen District Council, wrote to Mr Penny at MAFF in April 1995 pointing out a number of problems with the coverage of hunt kennels and knacker’s yards by the existing legislation. He noted:

We have never been contacted by MAFF for failure to enforce the existing S.B.O. requirements at hunt kennels.
Coverage of collection centres

4.67 SBO was frequently moved from slaughterhouses to rendering plants via intermediate collection centres, which were commonly attached to rendering plants that chose not to process SBO material. SBO was collected from slaughterhouses and transferred by lorry to these collection centres for onward passage to other renderers. Mr Andrew Fleetwood, a Veterinary Investigation Officer at the time, explained that:

Most of the rendering companies removing specified offals in particular will service a number of abattoirs with what they call a round robin service. The smaller abattoirs would put the SBO in larger 80 gallon drums and the lorry that arrived would look like a rigid container lorry containing a large quantity of rigid drums. Some of the larger slaughterhouses operate skips.\(^{1037}\)

4.68 That SBO should be separated and remain separated from non-SBO material, from its removal at the slaughterhouses through its journey via collection centres and on to renderers, was imperative to the success of the animal SBO ban. However, collection centres were under no legal obligation to ensure separation of SBO from non-SBO at that time.

4.69 Mr Meldrum informed the Inquiry that:

In many cases I was advised that the vehicles collecting ordinary waste for processing – ordinary unfit material was held in the body of the vehicle, and they had a separate container on that same vehicle for the SBOs. So that they did go to a rendering plant separated at that stage.\(^{1038}\)

4.70 The problem was eventually rectified by the introduction of Specified Bovine Offal Order 1995 which came into force on 15 August 1995 (see paragraph 4.526 below), which ensured the separation of SBO at collection centres.

Promulgation of the animal SBO ban

4.71 On 24 September 1990, Mr Maslin sent a copy of the Bovine Spongiform Encephalopathy (No. 2) Amendment Order 1990 (the Order) to local authority associations of District, County, Metropolitan and London Borough Councils, and to trading standards associations.\(^{1039}\) He explained:

The Order amends existing BSE legislation by prohibiting the use in all animal feed (including pet food) of those specified bovine offals already prohibited from food for human consumption.

As explained in the Press Release, also enclosed, this measure implements advice from [SEAC] in the light of a pig succumbing to disease after being inoculated with a massive dose of tissue from the brains of BSE cattle.

\(^{1037}\) T55 p. 64
\(^{1038}\) T132 p. 98
\(^{1039}\) Also circulated to the Institution of Environmental Health Officers (IEHO) and NAHP
I realise that bringing in this measure with immediate effect and without prior consultation causes difficulties for enforcement authorities. Ministers decided however that it was necessary to act on the Committee’s advice without delay.

If you would like to meet to discuss the Order and its enforcement please let me know so I can arrange a meeting as quickly as possible. 1040

4.72 Mrs Jane Brown, Head of the Meat Hygiene Division, told the Inquiry that, as far as she was aware, Mr Maslin’s offer was not taken up. 1041

4.73 Mr Crawford informed all DVOs of the new Order by letter on 25 September 1990. He enclosed a copy of the Order and asked DVOs to:

1. contact the Local Authorities responsible for enforcing the disposal aspects of the Bovine Offal (Prohibition) Regulations 1989, the Meat (Sterilisation and Staining) Regulations 1982 and this latest Order to ensure that they are fully aware of the legal position.

2. contact any rendering Company in your area to advise them that you have been in touch with the Local Authorities to make clear to them what the legal position is. Would you please ask the renderers to let you know if they have any evidence that the rules are being breached. 1042

4.74 Mr Crawford also said:

I am sorry to burden you with these additional tasks. However, this is a very sensitive area, with health and environmental implications. It is also an area which the media is quite likely to latch onto if major problems do arise. 1043

4.75 In addition to his colleagues’ letters to local authority associations and DVOs, Mr Lawrence sent a letter to UKRA on 27 September 1990. The letter stated that DVOs had been requested to advise any renderer in their area that the DVOs had been in touch with the local authorities, and to ask the renderer to inform the DVOs of any evidence of a breach in the rules regarding disposal of SBO. 1044 UKRA forwarded this letter to its members on 1 October 1990. 1045

Local authority enforcement of the animal SBO ban

4.76 There is limited primary evidence available to the Inquiry on the enforcement of the animal SBO ban by local authorities. Much of what follows is therefore the perceptions of witnesses presented in statements or discussed in oral evidence. The enforcement difficulties in slaughterhouses and in particular the relationship between AMIs, EHOs and OVSs is discussed in vol. 6: Human Health 1989–1996. We limit our discussion to that aspect of enforcement which was designed to ensure that specified offal was kept out of feed for animals.

1040 YB90/9.24/8.1–8.2
1041 T129 p. 75
1042 YB90/9.25/1.2
1043 YB90/9.25/1.2
1044 YB90/10.01/3.2–3.3
1045 YB90/10.01/3.1
General enforcement

4.77 As noted above, enforcement of the animal SBO ban was the responsibility of County Councils in England and Wales. Mr Peter Heafield of Lincolnshire County Council said in a statement to the Inquiry:

During the period 1989 to August 1995 the enforcement of the BSE Order was undertaken as part of other animal health enforcement duties although clearly it may have had a higher priority at times. Lincolnshire Trading Standards operates a “generic officer” system whereby enforcement officers undertake a wide range of duties including animal health. . . . It has already been mentioned that parts of this Order were in effect unenforceable.1046

4.78 EHOs employed by District Councils strictly speaking did not have enforcement responsibilities for the animal SBO ban. However, in a joint statement on behalf of the Chartered Institute of Environmental Health (CIEH), Mr Graham Jukes and Mr Nicholas Hibbett said:

It should be noted that the EHO was principally concerned with food intended for human consumption. Non edible by-products from the slaughtering process were not specifically controlled, except in relation to their effect on hygiene within the curtilage of the slaughterhouse or nuisance caused to neighbouring occupiers of land. Unfit foods were stained in accordance with the appropriate sterilisation and staining regulations, prior to leaving the slaughterhouse. In relation to the Public Health Act 1936 and the focus of the inquiry into animal feeding and rendering processes, much of the raw material for these processes arose from slaughterhouses and knacker yards. Environmental Health Departments had powers under the Public Health Act 1936 to control emissions for offensive trades. However, these powers were limited to emissions from the process itself rather than the raw material used or destination of the final product.1047

4.79 Mr Fleetwood explained in oral evidence:

I think my general perception, and it stems from the origin of these local authorities, their parent bodies are primarily almost exclusively concerned with protection of the public, protection of human health, and it would be a quite natural thing for the local authority focus to be on human health controls, not animal health.1048

4.80 Mr Johnston McNeill, Chief Executive of the Meat Hygiene Service (MHS), told us in oral evidence that following the introduction of the MHS in 1995:

We endeavoured to find out what level of enforcement activity had been employed by local authorities in enforcing the [SBO] regulations and were unable to get any clear picture, although it did not appear to be of any great substance.1049
Slaughterhouses

4.81 Mr Jukes told us in oral evidence in relation to the EHO’s role in enforcing the animal SBO ban:

I believe they were involved at the slaughterhouse end of it, in relation to the sterilisation and staining of meat and the material. I do not believe that we were involved after that in the chain, if you like. 1050

4.82 Mr Hibbett added that in respect of slaughterhouses:

The meat inspectors in the plants I dealt with were very assiduous in making sure that bovine offal did come out of the process and did go to where it was supposed to. 1051

4.83 General enforcement difficulties in slaughterhouses were highlighted in a redrafted paper prepared by Mrs Brown as part of the work to develop the MHS in January 1992. She noted:

Premises are monitored by staff of the State Veterinary Service (SVS), who offer advice to the local authorities on standards and interpretation of the rule but have no powers to ensure that this advice is followed in domestic plants, although powers to suspend or withdraw export approval exist in relation to EC-approved red meat plants.

... The State Veterinary Service, who monitor standards, have no real control over LAs [local authorities]. The Official Veterinary Surgeon, who is usually contracted to the LA as part of the present LA meat hygiene team on a part-time basis, has little real management control over the meat inspectors in the plant.

... Standards of enforcement are uneven across the country. Guidance can of course be given from the centre – and has been given in the past – but liaison arrangements can be cumbersome and costly and no effective method of securing co-operation between the local authorities and the State Veterinary Service on a nation-wide basis has been found. Previous attempts to set up Regional Liaison Committees following an earlier review have failed. The industry is becoming increasingly aware of – and critical of – inconsistency of standards across Great Britain. 1052

4.84 Mr Peter Soul, Director of Operations at the MHS from December 1995, described the role of local authority enforcement in slaughterhouses as:

... under the local authority system a lot of meat inspectors were pretty much left to their own devices and I think many of them became almost a part of
the plant staff . . . rather than keeping themselves somewhat removed from that and recognising their role as an enforcement officer. I think there were other difficulties with the local authority system where, because of local influences and so on, and local employment, it may have been quite difficult for the Environmental Health Department to take a firm enforcement line with certain local employers.1053

Knackeries

4.85 Mr Hibbett, formerly a Senior Environmental Health Officer with Peterborough City Council, told us in oral evidence that EHOs did not visit knackeries on a regular basis, however:

[EHOs] would have a responsibility to keep an eye on what was going on, in terms of unfit meat, what was happening to it, where it was going to. It would not be a priority, it would be once or twice a year.1054

4.86 This monitoring was more closely associated with the illegal trade in unfit meat for human consumption than enforcement of the animal SBO ban. A report in 1981 had highlighted the problems in this area for enforcement authorities, and a paper produced in October 1990 noted that changes to the legislative framework had not introduced effective control of unfit meat.1055 (See Annex A for consideration of unfit meat and human food.)

Monitoring of the animal SBO ban

4.87 Shortly after its introduction, it was acknowledged within MAFF that the animal SBO ban might not, in fact, be ‘self-policing’ as Mr Maslin had suggested in his submission to the Minister on 21 September 1990,1056 and some further consideration on enforcement was required. A number of practical enforcement difficulties were identified, to which we refer below.

4.88 Furthermore, as discussed above, local authorities were responsible for the enforcement of the animal SBO ban. MAFF had provided the local authority association bodies with copies of the Order and had requested that DVOs contact local authorities to ensure they were aware of the legal position. However, MAFF had no statutory responsibility for enforcing the ban and during the initial months of its operation monitoring and compliance was left to the local authorities. This left MAFF without information on the level of compliance with the SBO controls. Mr Colin Penny, Head of Branch C1057 of the Meat Hygiene Division, explained:

It was the responsibility of the Environmental Health Department (or its equivalent) of the Local Authorities to carry out regular inspection visits to check on compliance with the [SBO Regulations]. There were, however, no requirements in the [SBO Regulations] for Local Authorities to report to

1053 T37 p. 136
1054 T56 pp. 42–3
1055 M43 tab 8
1056 YB90/9.21/14.3
1057 Responsible for GB and EC hygiene and inspection legislation for red meat slaughterhouses – S80 Fry para. 3
MAFF on their enforcement actions and I am not aware that any information exists on the number of visits carried out or the results of those visits.\footnote{S82 Penny para. 14}

4.89 In this section, we trace the development within MAFF of a system to monitor compliance with the animal SBO ban in the field and the information which such a system provided to those in MAFF who had responsibility for the formulation of animal health policy.

The establishment of a programme of SVS visits to monitor compliance with the ban

4.90 On 29 October 1990 a meeting took place between Mr Derek Andrews,\footnote{Later Sir Derek Andrews (1991)} the Permanent Secretary, and Mr Charles Capstick,\footnote{Assistant Chief Veterinary Officer (ACVO)} Mr Keith Baker,\footnote{Animal Health Division} Mr Lawrence, Mr Maslin and Mr Philip Davies.\footnote{YB90/11.2/1.3 para. 8} One of the issues discussed at the meeting was whether the disposal of SBO was properly carried out and whether MAFF ‘should take any steps to police it’:

It was noted that at present there was a requirement that specified offals be separated from other waste at the slaughterhouse and then be sterilised. What this meant in practice was that this material went to be rendered. Local authorities had the responsibility of ensuring that the regulations were properly policed in the abattoirs and knackeries. The Ministry had received no indications of any problems from them, nor had MAFF staff in export approved slaughterhouses observed any. In England and Wales most of this waste went to De Mulders, who disposed of the greaves and bonemeal to landfill sites at a cost to themselves and resold the tallow. Small processors however might not have the resources to dispose of this material. Processors were charging a significant amount for specified offals, the cost of which might well increase again following the announcement on 25 September on the ban on the use of specified offals in animal feed. It had been suggested that bonemeal from specified offals could be used as fertiliser. It was thought, however, that this would be unattractive because animals might pick up the bonemeal from the land and there was uncertainty about the transmission of the disease.\footnote{YB90/11.2/1.3 para. 8}

4.91 The minute continued:

[Mr Andrews] asked whether the Ministry should not carry out spot checks of slaughterhouses to see how [SBO] was being processed so that Ministers, if asked, could say that they were satisfied that none of it was going into animal feed. It was noted that renderers and knackeries were registered with the Ministry and received 20 days inspection a year from veterinary and animal health officers for the purposes of salmonella control. However, the officers had no instructions to examine the way in which specified offals were being processed. The Secretary suggested that we could say that at abattoirs, local authorities had responsibility for enforcing the rules on specified offals and that we had informed them of what these entailed.
Authorities would not, however, visit rendering plants to check on the processing of this material. He asked [Mr Lawrence] to consider whether the remits of Ministry officers enforcing the Protein Processing of Regulations in rendering plants should be extended to cover the inspection of specified offals and whether this remit should also be extended to cover knackeries, and to provide advice to him on this issue.1064

4.92 Mr Meldrum wrote to Mr Baker on 8 November 1990:

I would like to consider implementing some advice to Local Authorities on checking on protein processing plants on the disposal of specified bovine offals as soon as possible. It should be possible to contact DVOs and ask them to ensure that their abattoirs are complying with the Regulation and, at the same time, to ask DVOs to ensure that Veterinary Officers and AHOs who are visiting protein processing plants ensure that there is compliance with the regulations at that end also. A particular visit needs to be paid to the Hartshill plant of De Mulders at the earliest opportunity since the majority of material is being processed at that plant.1065

4.93 Discussion at the meeting on 29 October also prompted MAFF officials to consider other aspects of SBO handling and disposal in the context of the animal SBO ban. On 9 November 1990 a further meeting to discuss the disposal of SBO and other animal waste was chaired by Mr Meldrum and attended by officials from MAFF, the Department of Agriculture Northern Ireland (DANI) and the Department of Agriculture and Fisheries for Scotland (DAFS). The note of the meeting recorded:

In England and Wales most SBO was being collected by Prosper de Mulder who were processing it into meat and bonemeal at a dedicated plant. Other renderers were collecting SBO and doing special runs in their plants. The meat and bonemeal produced was mostly being landfilled, with local authority agreement, at about £20 per tonne or going direct for incineration. De Mulder’s are storing some in the hope of finding an outlet for it as a fuel. Others are looking at alternative long term disposal methods such an anaerobic digestion.1066

4.94 It was agreed that SVS field staff should visit rendering plants as soon as possible to ‘see how SBOs were being handled and report back’. Thereafter, monthly visits would be made. It was further agreed that Mr Baker would make the necessary arrangements and issue guidance to field staff.1067

4.95 Mr Stephen Hutchins, SVO (Red Meat Hygiene) Meat Hygiene Veterinary Section, described the perceived benefits of the general scheme:

Enforcement of legislation in these premises, and in other premises which handled SBOs, was a responsibility of Local Authorities. However in view of the large number of Local Authorities involved, and the consequent difficulty that could be expected in obtaining information on a tight time schedule, together with the fact that Ministers had no direct control over their

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1064 YB90/11.2/1.4 para. 9
1065 YB90/11.08/9.1
1066 YB90/11.18/4.1
1067 YB90/11.18/4.1
activities, it was common practice to use the SVS to carry out visits to check on the manner in which BSE and meat hygiene legislation was being implemented. This allowed a rapid collection of information in a standardised manner, ensured that Ministers had access to the most up-to-date information on developing situations, and ensured that any deficiencies identified could be promptly followed up with the responsible operators and enforcement authorities.1068

The issuing of instructions

Instructions on the inspection of rendering plants

4.96 On 12 November 1990 Mr Baker sent a telex to all DVOs in England, Wales and Scotland, instructing them to carry out monthly visits to rendering plants to establish:

i. awareness of BSE legislation in terms of SBO;

ii. how SBO was identified;

iii. how SBO was kept separate;

iv. how SBO was processed and kept separate from other material during processing; and

v. how processed material resulting from SBO was disposed of.1069

4.97 He asked that returns be submitted on a monthly basis to Mr Hutchins at Tolworth.

Instructions on the inspection of slaughterhouses

4.98 In respect of slaughterhouses, the telex read:

In addition, we would like to know how slaughterhouses are handling specified offals. Unless the information is available from a recent visit a visit by a SAHO/AHO [Senior Animal Health Officer/Animal Health Officer] should be arranged. A return – to Mr S C Hutchins, Tolworth Tower – on this subject is required by 17 December 1990.1070

Instructions on the inspection of knacker’s yards and hunt kennels

4.99 Mr Crawford had previously issued instructions, in June 1990, to all RVOs requesting that a veterinary visit be made to every knacker’s yard and hunt kennel to ensure compliance with the Meat Sterilisation and Staining Regulations, and to determine whether SBO was being sold for pet food or fed to hounds.1071 In mid-October 1990, following further concerns within MAFF about the disposal of dead animals from farms (see vol. 6: Human Health 1989–96), and the possible build-up of such material at knacker’s yards or hunt kennels, the frequency of visits to these

1068 S86 Hutchins para. 26
1069 YB90/11.12/6.1
1070 YB90/11.12/6.1
1071 YB90/6.01/18.1
premises by SVS staff was increased and returns were required on a monthly basis.1072

4.100 Mr Lawrence was apparently unaware of this increased frequency of visits. In a minute dated 23 November 1990, he proceeded on the basis that SVS visits to knackers’ premises occurred ‘once a year’ and suggested that this be ‘bolstered with the occasional random spot check’. Mr Lawrence also suggested that steps should be taken to establish whether hunt kennels were observing the ‘new rules’.1073 Following support for these suggestions from Mr Meldrum,1074 Mr Crawford confirmed on 30 November 1990 that monthly SVS visits were already being made to both knacker’s yards and hunt kennels to monitor waste disposal. Mr Crawford also indicated that he was asking RVOs to ‘try to obtain an increased involvement by Local Authorities’.1075

4.101 On 18 December 1990, in an attempt to clear up any confusion, in a minute to all RVOs in England, Scotland and Wales, Mr Crawford said:

In recent days, we have discussed the plethora of requests which have gone out to the Field requiring them to submit returns on various aspects of the rendering and knackerly operations and the problems of disposal of dead stock from farms. I am very aware that DVOs are probably thoroughly confused about what is now required of them and, by this minute, I would hope to standardise these returns.1076

4.102 He instructed that knacker’s yards and hunt kennels should:

... continue to receive a monthly visit by veterinary or technical staff to report on the removal of dead stock from farms. At these visits staff should also review the procedures for the disposal of waste material generally and the specified offals in particular.1077

Mr Lawrence’s proposals

4.103 On 20 November 1990 Mr Lawrence made an informal visit to a slaughterhouse, in which Mr Peter Carrigan’s company, Specialpack Limited, operated the gut room under contract. The object of the visit was to observe ‘how the specified offals are being disposed of, how the different sectors were coping and whether existing controls are sufficient’.1078 He later wrote thanking Mr Carrigan for his time:

Many thanks for the time you took with me and Peter Lackenby to see on the ground some of the problems in relation to disposal of animal waste. We both found the visit extremely useful and I will be mulling over some of the suggestions you made, particularly controls to try and ensure that material processed from specified bovine offal does not get back into the feed chain.1079

1072 YB90/10.15/9.1; YB90/11.30/1.1
1073 YB90/11.23/1,3 para. 11
1074 YB90/11.28/2.1
1075 YB90/11.30/1.1
1076 YB90/12.18/2.1
1077 YB90/12.18/2.1
1078 YB90/11.1/4.1
1079 YB90/11.22/1.1
4.104 One of Mr Carrigan’s suggestions was that:

. . . if [MAFF] were to take the known weight of specified bovine material from a bovine and extend that, multiply it by the number of cattle killed that week or month, they would have a fairly accurate figure as to how much SBO material was being produced and then what was happening to it.1080

4.105 Mr Carrigan described to us his dealings with Mr Lawrence:

Alan Lawrence was very, very concerned about the situation. I found him to be extremely helpful. He was never slow to put on overalls and wellingtons and actually go into the gut room and his usual brief was: ‘show me’ and we got on very well and I found him extremely diligent and very, very helpful indeed. And he did honestly listen to what we said to him. I do feel, because of what has happened subsequently, that he was not listened to as avidly as he listened to others.1081

4.106 Mr Lawrence drew from his first-hand experience of a slaughterhouse and from Mr Carrigan’s suggestions, when on 23 November 1990 he circulated1082 a minute in response to a request from Mr Andrews:

The Secretary has asked that we provide advice on the control measures we apply to ensure that specified bovine offal and meat and bonemeal derived from it does not enter the animal feed chain. He mentioned that we would clearly be vulnerable if we were not able to provide an adequate answer . . .

The purpose of this minute is to suggest how this might need developing to make it into an effective policing system which is not open to legitimate criticism.1083

4.107 Mr Lawrence outlined a range of measures that could be taken to achieve this aim. His suggestions and the discussion they prompted between MAFF colleagues are outlined below.

4.108 Mr Lawrence concluded:

Although we are taking steps to monitor the ban on the use of specified material in feed rations we still might be open to criticism. I therefore think it would be useful to discuss these issues, to see whether anything needs to be done, perhaps using this note as a basis for further discussion.1084

Use of separate bins for SBO and other waste

4.109 In the minute, Mr Lawrence considered how SBO was removed from slaughterhouses:

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1080 T58 pp. 62–3
1081 T58 p. 68
1082 Mr Meldrum, Mrs Attridge, Mr Crawford, Mr Taylor, Mr Baker, Mr Lowson, Mrs Brown, Mr Maslin, Dr Matthews, Mr Lackenby, Mr Hutchins
1083 YB90/11.23/1.1
1084 YB90/11.23/1.3–1.4
Specified bovine offal is deposited in separate bins from other unfit material at the abattoir. This is not a legal requirement but an arrangement which enables renderers to process the material separately. If collected by renderers (as the vast majority of material is) it is required to be stained before removal to the processing plant. A movement permit is required. Operations within the abattoir are the responsibility of the local authorities. I have no firm evidence for this but I hear on the grapevine that some specified material destined for renderers is not stained when it leaves the abattoir.\textsuperscript{1085}

4.110 This appears to be the first time that anyone at MAFF drew attention to the fact that the animal SBO ban did not require the separation of SBO from other unfit material. Mr Lawrence noted:

Instructions have now gone out . . . so that checks can be made at rendering plants. Slaughterhouses are also to be visited. If these are made without warning it could be an opportunity to check on staining.\textsuperscript{1086}

Audit of SBO material throughout the production chain and use of weight checks

4.111 Mr Lawrence questioned the sufficiency of the contemplated monthly visits to renderers in his minute:

The monthly visit will help to keep renderers on their toes. But I wonder whether, if there are any suspicions about their activities, more detailed checks might be instituted. I mention this because there is quite a wide discrepancy between collection charges being applied. This may simply be a reflection of market forces but it could indicate that the rules are being bent.

If additional checks were deemed necessary it would be possible to follow the production process from the abattoir. Abattoirs have records of throughput; information is also available from meat inspectors and MLC [Meat and Livestock Commission] graders. It is not difficult to calculate the weight of specified bovine offal from a given number of cattle slaughtered. The abattoir would know which renderer collected the material. This would then be followed up with the renderer i.e. was the material received and what has happened to it. Again if a certain tonnage had been received and processed it is not difficult to calculate how much meat and bonemeal would be produced – 100 tonnes of raw material would yield about 25 tonnes of meat and bonemeal. The renderer would then have to account for what happened to it i.e. if landfilled, the site used with supporting documentation.\textsuperscript{1087}

4.112 On 26 November 1990 Mr Hutchins responded to this aspect of Mr Lawrence’s minute in a minute copied to Mr Meldrum and other MAFF officials.\textsuperscript{1088} He stated that he was ‘not very optimistic’ about being able to detect

\textsuperscript{1085} YB90/11.23/1.1 para. 3
\textsuperscript{1086} YB90/11.23/1.1–1.2 para. 5
\textsuperscript{1087} YB90/11.23/1.2 para. 7
\textsuperscript{1088} Recipients were Mr Lawrence, Mr Meldrum, Mr Baker, Mr Crawford, Mrs Attridge, Mr Taylor, Mr Lowson, Mrs Brown, Mr Maslin, Dr Matthews and Mr Lackenby
illegal disposal of SBO ‘by estimating weights of materials involved and tying this into throughputs’.

The main variable factors at the slaughterhouse will be with the head and intestinal contents. The presence or absence of this material in the consignment will have a considerable influence on the weight per animal slaughtered. There will also be considerable amounts of water present, eg from gut cleaning procedures, which will further cloud the picture. Where offals are collected from several premises, bulking up may occur, and where an intermediate storage point is used, mixing of loads can be expected. It is also likely that there will be some variation in weight between the slaughterhouse and renderer, due to loss of fluids during the journey and at loading/unloading.\textsuperscript{1089}

4.113 Mr Hutchins also questioned whether MAFF staff had a right of access to records of slaughterhouses and other premises for the purpose of making the necessary calculations. He suggested that field staff should be instructed to make inquiries into the ‘practicality of such checks, before pursuing this route too far’.

4.114 In oral evidence to the Inquiry, Mr Baker discussed the difference that the intestinal contents could make to the weight of SBO. He pointed out that:

\[\text{You are getting a different weight of animals going through the slaughterhouse and therefore you are going to get a different weight of specified bovine material from those animals.}\]

\[\ldots\]

\[\text{And the other thing, of course, to bear in mind is that it depends whether you have cleaned the intestines or you have not, because that makes a considerable weight difference as well.}\textsuperscript{1090}

4.115 Mr Baker said that whilst he did not recall being consulted about the practical aspects of the animal SBO ban before it was introduced, he would have been unlikely to have approved the proposal of monitoring by weight:

\[\text{I think I would have said it is going to be very difficult to monitor precisely whether a slaughterhouse is disposing of the sort of weight of SBO that you would expect \ldots and it is also extremely difficult to make sure that they weighed it before it went and that the same weight arrived at the rendering plant. You would have to have somebody riding shotgun on the entire proceedings.}\textsuperscript{1091}

4.116 Mr Crawford confirmed that Mr Lawrence’s suggestion of using calculated weights of SBO as an audit check was discussed but not pursued by MAFF. Mr Crawford also told the Inquiry that the inquiries suggested by Mr Hutchins to assess the ‘practicality’ of such a scheme were never made.\textsuperscript{1092}
Use of a marker

4.117 In his minute dated 23 November 1990, Mr Lawrence also noted that he and Mr Kevin Taylor, Head of the Notifiable Diseases Veterinary Section, were pursuing the possibility of using a marker to identify SBO with Dr Ian Shaw, acting Head of Central Veterinary Laboratory’s (CVL’s) Biochemistry Department. Witnesses who provided evidence to the Inquiry drew a distinction between a ‘marker’ and a ‘stain’. Mr Lowson explained that the former referred to a substance that allowed a material to be detected throughout the production process. A stain, however, would be applied at the slaughterhouse and would not necessarily survive later processing. Mr Lowson noted that if a stain had been developed that remained stable throughout production such that it was visible in animal feed, it ‘would have been helpful for control purposes’.

4.118 The possibility of using a marker to identify SBO had been raised previously. On 27 September 1990, only two days after the introduction of the animal SBO ban, Mr Lawrence had raised this issue in a minute to Mr Mike Stranks of the Bristol regional Agricultural Development and Advisory Service (ADAS) office concerning identification of MBM derived from SBO in animal feed. Mr Lawrence explained that Mr Meldrum had asked whether any practical means existed for identifying SBO in animal feed. On the assumption that this was impossible, Mr Lawrence asked Mr Stranks whether it would be possible to incorporate a marker in the SBO which could be recognised visually or by some sort of test. The minute was copied to Mr Meldrum, Mrs Attridge and Mr Lowson.

4.119 In reply, Mr Stranks wrote on Mr Lawrence’s minute that:

Initial reactions are that it is not possible to test for individual organs/offals.

...3. The best marker would be cheap and cheap to test for!! Would chromium [dioxide] fill the bill.

4.120 DANI had also raised the need for a marker to identify SBO at a meeting on 21 September 1990. In a letter to Mr Lawrence dated 4 October 1990, Mr Gregg Shannon of DANI’s Animal Health Division repeated the suggestion that the use of markers be considered to assist in the identification of SBO in MBM. In a minute to Mr Lowson dated 8 October 1990, Mr Lawrence discussed DANI’s concerns and noted that MAFF was assessing the question of a marker for SBO material. However, discussions with UKASTA had revealed that it felt a marker would be ‘impracticable’. He went on to say that he was asking CVL for advice on the possible use of chromium dioxide as a marker.

4.121 The possibility of marking SBO was raised again at the meeting on 9 November 1990 which was attended by representatives of MAFF, DANI and
DAFS. It was agreed that a simple, cheap marker or test (such as a dye detectable in MBM) was to be pursued with CVL by Mr Lawrence and Mr Taylor.\textsuperscript{1100}

4.122 The progress and outcome of the enquiries made by Mr Lawrence and Mr Taylor about an alternative marker for SBO are not clear. However, there is no evidence of any significant research being undertaken to find a suitable marker or alternative-colour stain for SBO material until April 1994, when Mr Simmons was instructed to research an alternative to the existing black stains\textsuperscript{1101} (see paragraphs 4.312–4.314 below).

The summaries of returns

4.123 Summaries of returns for slaughterhouses, rendering plants, collection centres, knacker’s yards and hunt kennels were compiled initially by Mr Hutchins of the Meat Hygiene Veterinary Section, followed by Mr Simmons from July 1991, and subsequently by Mr Fleetwood from March 1995. The summaries were compiled from reports submitted to SVS headquarters at Tolworth following VFS staff visits to those premises. The summaries were circulated widely within MAFF.\textsuperscript{1102} Officials from the Scottish Office Agricultural, Environmental and Fisheries Department (SOAEFD) and the Welsh Office Agriculture Department (WOAD) were later included on the distribution list.

4.124 Mr Crawford explained the procedure in oral evidence:

> The divisions sent reports to the region concerning the division, a summarised report of the divisional findings. They went from region to Tolworth to Simmons or Hutchins and he then summarised them to give us a national picture, but he would identify within that summary if there were specific problems.\textsuperscript{1103}

4.125 Mr Crawford added that unless there was a particular reason he would not see the individual reports.\textsuperscript{1104} Mrs Brown noted that she would not see individual reports unless there was a problem with a particular plant.\textsuperscript{1105}

4.126 Unfortunately there are substantial periods for which these summaries have not been provided. These are identified in the sections below.

4.127 Mr Crawford suggested to the Inquiry that the ‘embarrassing answer’ to the questions surrounding the existence or location of reports of visits to slaughterhouses from June 1991 to early 1993 was that a 'cabinet full of reports' had gone missing during office cleaning upon a change of personnel in MAFF.\textsuperscript{1106}

\textsuperscript{1100} YB80/11.18/4.3
\textsuperscript{1101} S87 Simmons para. 21
\textsuperscript{1102} At different times the distribution list included Mr Crawford, to whom they were addressed, Dr Cawthorne, Mr Meldrum, Mrs Attridge, Mr K Baker, Mr D Taylor, Dr Matthews, Mr Lowson, Mr Lawrence, Mrs Brown, Mr Eddy, Mr Peter Lackenby and others
\textsuperscript{1103} T125 p. 102
\textsuperscript{1104} T125 p. 101
\textsuperscript{1105} T129 pp. 100–1
\textsuperscript{1106} T125 p. 98
Monitoring in slaughterhouses, November 1990 to January 1993

4.128 In early 1990 there were 814 slaughterhouses in Great Britain, 84 of which were export-approved slaughterhouses which provided 43 per cent of the output.\textsuperscript{107} By early 1994 the number had fallen to 523, 101 of which were export approved.\textsuperscript{108} There were an additional 16 slaughterhouses in Northern Ireland in 1989, dropping to 11 by 1994.\textsuperscript{109} Features of the slaughtering industry and the processes involved are described in vol. 13: Industry, Processes and Controls.

4.129 On 18 January 1991 Mr Crawford wrote to all RVOs regarding the results of the one-off survey on the handling of SBO in slaughterhouses which had been undertaken in response to Mr Baker’s telex of 12 November 1990. Mr Crawford had reiterated the request on 18 December.\textsuperscript{110} He had found the survey to be of limited value, due to the variation in format and detail of the returns, which were received from only 36 of the 44 divisions. Because of the uncertainty, he had been unable in many cases to identify whether SBO material was stained prior to despatch or whether it was accompanied by a local authority movement permit. Therefore, he asked for the information to be resubmitted by 25 February 1991. A pro forma return was provided, which was to be completed for each slaughterhouse, along with a pro forma summary of returns to be completed by each DVO. The pro forma was intended to ensure that the returns were standardised and would provide the required information. The pro forma to be completed for individual slaughterhouses asked the following questions:

3. Are brains removed on site? ……………………………………..Yes/No

If YES, describe technique used and indicate whether meat for human consumption is at risk of contamination.

4. Are intact skulls sent to boning plants?…………………………Yes/No

If YES, are LA movement permits obtained?……………………..Yes/No

5. Are specified bovine offals sterilised on site?…………………..Yes/No

If NO, are the staining requirements of the above Regulations met?………………………………………………Yes/No

If NO, give details:

6. Are unsterilised specified bovine offals accompanied by appropriate LA permits on despatch from the premises? …………Yes/No

If NO, give details:

7. Give destination(s) of specified bovine offals.

\textsuperscript{107} Richmond Report, February 1990 – M22 tab 4 p. 56
\textsuperscript{108} By June 1991 the numbers had fallen to 734, of which 80 were EC approved – ‘Review of Fresh Meat Hygiene Enforcement in Great Britain’ June 1991 (M22 tab 1 p. 8); ‘General Report by European Commission into UK Fresh Meat Establishments’ April 1994 (M22 tab 13 annex III)
\textsuperscript{109} DN01 tab 14 – Memorandum from DARD/DANI
\textsuperscript{110} YB90/12.18/2.2
Under which heading should this destination be classed?

(a) Processor

(b) Holding premises

(c) Exempted premises (specify type)

(d) Other (specify)

Contraventions

Local Authority Nature of contravention Action taken

4.130 DVOs were also required to provide a summary of findings for the individual slaughterhouses, which tallied the number of plants in which the practices described above took place.

4.131 The need for reliable information regarding the level of compliance in slaughterhouses was highlighted three days later, when Mr Hutchins minuted Mr Lawrence in response to reported allegations of ‘wrong-doing’ in relation to SBO at two premises. Mr Hutchins said that the SVS returns for the two plants in question showed no evidence of wrongdoing, and that more information would be required on the alleged contraventions if further investigations were to be made. Mr Hutchins said that he had written to the relevant Regional Meat Hygiene Advisor in one case, but suggested that the chances of coming across a problem by chance even at an unannounced visit were ‘remote’.

4.132 Prior to the collation of the results of SVS visits, Mr Meldrum attended a meeting of the Expert Group on Animal Feeding Stuffs (the Lamming Committee) on 13 March 1991. The Lamming Committee had been established in February 1991 to review the existing framework covering the animal feed industry in the UK. Mr Meldrum was recorded as saying:

With regard to slaughterhouses, there was close contact between MAFF and the industry, who showed a high level of awareness of the legislation, and no major problems had been found at inspections. He was confident that bovine offals were not finding their way into the feed/food chain.

4.133 The SVS visits to slaughterhouses required by Mr Crawford’s minute of 18 January were duly undertaken, and on 5 April 1991 Mr Hutchins produced his first summary of returns. An appendix to the summary provided the following breakdown of information received:

1. Number of slaughterhouses 570

2. Number of slaughterhouses where brains removed on site 75 (13%)
3. Number of slaughterhouses sending intact skulls to specialist boning plants 256 (45%)

4. Number of slaughterhouses which sterilise SBOs on site\footnote{YB91/4.05/5.2}

5. Number of slaughterhouses where unsterilised SBOs were not stained pre-despatch 13 (2%)

6. Number of slaughterhouses where movement permits were not obtained pre-despatch 13 (2\%\footnote{YB91/4.17/8.1})

4.134 On 8 April, within three days of receiving the summaries of returns, Mr Crawford asked Mr Hutchins to follow up cases where unsterilised SBO was not stained pre-despatch and where movement permits were not being obtained. He also asked SVS staff to confirm whether their approaches to local authorities had the effect of correcting the contraventions.\footnote{YB91/4.08/2.1}

4.135 A week later, on 15 April 1991, Mr Hutchins wrote letters to various Animal Health Officers noting that there were deficiencies in certain aspects of the handling of SBO at some slaughterhouses in their division. He asked them to ‘confirm that the steps taken to inform the local authority and plant management of these deficiencies have had the effect of correcting the contraventions’.\footnote{M42 tab 8}

4.136 Soon after, on 17 April, Mr Crawford wrote to all Territorial RVOs (England, Scotland and Wales) about the returns from slaughterhouse visits, which had been summarised by Mr Hutchins.\footnote{YB91/4.17/8.1} Mr Crawford said that it seemed that there were still a significant number of premises where the regulations were not being observed, ‘to a greater or lesser extent’. He noted that Mr Hutchins had asked the relevant DVOs to ‘follow up with Local Authorities and report on the outcome of their actions’. Mr Crawford said:

\ldots in view of the deficiencies noted, I feel that we cannot let the matter drop without further action. To do so would be open to criticism. I would therefore ask RVOs to request their DVOs to organise a further round of visits, to all abattoirs which handle bovines, and to report on how the specified offals are being handled. The returns should be sent to Steve Hutchins, in the previously agreed format, to arrive not later than the end of May.\footnote{YB91/4.17/8.1}

4.137 By this time, members of the Spongiform Encephalopathy Advisory Committee (SEAC) had visited slaughterhouses to observe the methods used in the removal of SBO. On 20 May Dr Richard Kimberlin of SEAC and Dr Pickles, joint secretary of SEAC, attended a meeting of the Lamming Committee, where they were asked about the efficacy of slaughterhouse procedures to remove and separate SBOs. Dr Kimberlin observed that the ‘main possibility of contamination from specified offals probably lay in the procedures for separating them from non-
specifying offals after their removal from the carcass’. However, Dr Pickles regarded it as unlikely that brain tissue, where the bulk of the BSE agent resided, ‘would be put in the wrong bucket’. Dr Cooke and Mr Maclean \textsuperscript{1121} expressed concern at the animal health implications if such a mistake did occur with specified offals, particularly the spinal cord. Dr Pickles ‘added that the specified offals ban had been originally prompted by human health considerations, and the feed ban simply reproduced those [regulations] in place for humans’. \textsuperscript{1122}

4.138 Concerns had been raised about the potential for local authorities to become resentful of SVS intrusion into areas of local authority responsibility, where the SVS had no statutory enforcement role (see vol. 6: Human Health 1989–96). In May 1991 it emerged that at least one DVO was encountering resistance from an EHO over the proactive role the SVS was taking in monitoring compliance with the SBO Regulations. Mr A G McFarlane, DVO, Trowbridge, reported to Mr John Kirkham, DRVO, Bristol:

At a recent very tight-lipped exchange about other matters with North Wilts Environmental Health Officer, Mr Bob Barrett, I was advised that as the [1989 SBO] Regulations are made under the Food Act 1984 they are enforced by the District Authority and the Ministry of Agriculture have no statutory responsibility for observation or enforcement. I was asked why the State Veterinary Service felt they had to make approach to the slaughterhouses to review compliance rather than making direct contact with Environmental Health Officers concerned to obtain the information. \textsuperscript{1123}

4.139 At the fifth meeting of the Lamming Committee on 13 June 1991, it was noted that visits had been made to a Prosper De Mulder rendering plant. Minutes of the meeting record that ‘the renderers had mentioned that not all slaughterhouses were separating out the specified offal, and that there was little general staining of condemned material’. \textsuperscript{1124}

4.140 The results of the second round of visits were summarised and circulated within MAFF by Mr Hutchins on 19 June 1991. The survey covered 581 slaughterhouses. Of these, 12 were reported to be sterilising SBO on site. The summary recorded that 18 slaughterhouses had failed to stain SBO properly, and 13 had failed to obtain local authority movement permits for the removal of SBO. In conclusion, it was said that the ‘overall picture remains quite encouraging, although there has been a slight increase in the number of premises failing to stain SBOs prior to despatch’. \textsuperscript{1125}

4.141 Mrs Attridge was asked in oral evidence whether this report raised questions as to the level of compliance in slaughterhouses:

What I would say was that it identified where the local authority needed to be told to pull their socks up. I think in this you are not – and we have gone round this circuit before – it is impossible to have 100 per cent total compliance, because there will be days when no doubt operators are feeling off or not feeling well. But I come back to the point that you must look at this

\textsuperscript{1121} Both members of the Lamming Committee
\textsuperscript{1122} YB91/5.20/3.4–3.5
\textsuperscript{1123} YB91/5.23/4.1
\textsuperscript{1124} YB91/6.13/3.22
\textsuperscript{1125} YB91/6.19/3.1
not as a human health risk, this is an animal health risk. It is in relation to preventing these products getting into the animal food chain. And the very fact that these deficiencies were being picked up to my mind is encouraging, because it does show they are on the ball and maintaining local authorities do it better.\footnote{1126}

### 4.142

Mr Crawford said in oral evidence that the reports did not cause him ‘particular concern’ as:

> It was a pointer there that we needed to be active and to reinforce the requirements. In fact, if we look at the numbers, 18 identified, what sort of percentage was that of the total? You would not be looking at all 750 abattoirs during that specific period, but it may have been half of them looked at at that time, so 18 out of 300, 350. It was not a huge problem.\footnote{1127}

### 4.143

Reports of non-compliance were pursued by MAFF. However, as responsibility for enforcement lay with local authorities, ensuring that appropriate action was taken could prove difficult. For instance, on 24 June 1991 Mr Hutchins wrote to Mr Jack Keir, VO at Carlisle Animal Health Office, regarding Mr Keir’s response to the non-compliance identified in the most recent returns at slaughterhouses under his charge. He noted that, according to Mr Keir’s May/June return, one of the slaughterhouses in his district was among those failing to stain SBO before despatch. Despite this, the Carlisle Animal Health Office had taken no action. Mr Hutchins pointed out that ‘it would normally be expected that the local authority would be reminded, by letter, of the legal requirements and asked to take any necessary action in respect of the premises concerned’.\footnote{1128}

### Introduction of unannounced visits to slaughterhouses

#### 4.144

Whilst the returns provided by the SVS did not suggest any serious or widespread non-compliance with the animal SBO ban, some MAFF officials were beginning to receive very different reports from alternative sources. As early as December 1990, Mr Peter Carrigan of Specialpack Limited had written to Mr Lawrence and reported that ‘the rules on staining are being grossly flouted and there are areas which require your very urgent attention’.\footnote{1129} Mr Carrigan explained in oral evidence to the Inquiry that:

> . . . there is no doubt at all in my mind that because of the lack of supervision in the abattoirs, the ad hoc manner in which things were or were not stained, that material was still escaping out into the – I must be very specific about this – the animal feed chain.\footnote{1130}

#### 4.145

On 25 June 1991 Mr Meldrum minuted Mr Hutchins, expressing ‘extreme’ concern about information he had received from ‘other sources’ to the effect that little SBO was being stained in slaughterhouses. Mr Meldrum asked that further advice be issued to local authorities through DVOs.\footnote{1131}
4.146 On 11 July 1991 Mr Crawford minuted Mr Hutchins regarding recent discussions he had had with Mr Meldrum. Mr Crawford reported that Mr Meldrum had received ‘information from a “reliable” source within the rendering industry’ that significant quantities of SBO were not being treated in accordance with the Regulations. Mr Crawford asked Mr Hutchins to prepare a draft circular letter to DVOs, with copies to RVOs and RMHAs, asking them to discuss the Regulations with their local authorities and to ensure that their staff made the occasional unannounced visit to slaughterhouses to view the handling of SBO. He stated that routine reports should ‘describe any shortcomings seen at the unannounced visits’. 1132

4.147 AHC 91/61 was issued to SVS field staff in England, Wales and Scotland on 12 August 1991. It stated:

Although routine reports from Divisions indicate that the handling of specified bovine offals in slaughterhouses is satisfactory, information has been received in Headquarters from sections of the Industry that there are significant shortfalls in compliance with the Regulations. It has been suggested that conditions seen during announced visits may not reflect the day to day situation. In view of the widespread interest in the controls over specified bovine offals, it is essential that the Regulations are seen to be enforced evenly and effectively across the country.

Arrangements should therefore be made for occasional unannounced visits to abattoirs to ensure compliance with the Regulations. Follow-up visits should be made where problems are identified. Local Authorities in whose Districts red meat slaughterhouses are situated should also be reminded of the sensitivity of this subject and of the need for their staff to ensure that the Regulations are being fully observed.

Any deficiencies identified, whether at unannounced visits or those carried out routinely for other purposes, must be notified in writing to the Local Authority . . . 1133

4.148 The results of these unannounced visits are difficult to determine as reports on slaughterhouse visits for the period from June 1991 until early 1993 are no longer available.

4.149 The Lamming Committee Report was published on 16 July 1992. The Committee recognised the importance of both the ruminant feed ban and the animal SBO ban in the control of BSE, and in minimising the exposure of other species to the agent and recommended that they be maintained 1134 (see Chapter 2). They regarded the SBO ban as an important precautionary measure. The report stated:

The evidence suggests that in the majority of cases, the controls are working, despite the fact that the ruminant protein ban and the specified offals ban are to a considerable extent dependent of self-regulation by the industry. 1135
4.150 On 7 August 1992, AHC 92/94 was issued to field staff. It noted that reports from industry suggested that SBO was not always being kept separate from other material, and that as a result some MBM derived from SBO was going into animal feed. The AHC stated that the ‘essential feature in effective control’ was to ensure that SBO was kept separate from other material at the slaughterhouse and during transportation to rendering plants. New requirements for renderers on the movement of MBM derived from SBO and the conditions of movement licences introduced under the Bovine Spongiform Encephalopathy Order 1991 are discussed at paragraphs 4.191–4.192 below. However, the information in the licences was to be verified by spot checks at premises where SBO was produced, including slaughterhouses, knacker’s yards and hunt kennels. Further, the AHC stated that comparing the weight of SBO raw material input and protein yield was another check that should be carried out at rendering plants from time to time. Major discrepancies would justify follow-up action.¹¹³⁶

4.151 On 18 January 1993, MAFF distributed AHC 93/6 to all veterinary field staff in England, Wales and Scotland. The AHC addressed the introduction of the single standard in meat hygiene inspection within the European Community (EC) and was issued independently of any other instructions on the monitoring of SBO. From 1 January 1993, all slaughterhouses in the UK were required to meet the standards imposed on premises approved for export to the EC. As a consequence, veterinary supervision became a requirement in all slaughterhouses. In recognition of this fact, SVS visits to slaughterhouses to check on compliance with hygiene requirements were reduced in frequency. Previously visits to export-approved premises were monthly, all other premises visited once a year. After 1 January 1993, ‘full-throughput’ licensed slaughterhouses were to be visited at least once every three months, while ‘low-throughput’¹¹³⁷ slaughterhouses were to be visited at least once a year. Unannounced visits were to be made if considered necessary.¹¹³⁸

Monitoring in rendering plants and collection centres, November 1990 to January 1993

4.152 In early 1991 there were 48 rendering plants in Great Britain and four plants in Northern Ireland.¹¹³⁹ The greatest number of collection centres, identified from SVS visits between 1990 and 1993, was 15. This figure included rendering plants receiving SBO but not rendering it.¹¹⁴⁰ A description of the rendering processes and features of the industry are discussed in Chapter 6 of vol. 13: Industry, Processes and Controls.

4.153 As set out in paragraph 4.94 above, from November 1990, SVS staff were instructed to make monthly visits to rendering plants to monitor compliance with the SBO controls. Information was requested on the awareness of specified offals generally, and in particular on how specified offals were identified, kept separate,
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processed and disposed of after processing.\textsuperscript{1141} This request was reiterated in a telex from Mr Crawford on 18 December 1990.\textsuperscript{1142}

4.154 The results of the first monthly visits to rendering plants were summarised by Mr Hutchins and circulated on 12 January 1991. The returns were compiled from visits to 30 rendering plants, 18 of which rendered SBO. General awareness of the legislation was said to be ‘very high’ and identification of SBO was described as ‘good’ with separate containers being used at slaughterhouses prior to despatch to renderers. The SBO remained in original delivery containers, but on emptying into bays the possibility of leakage of fluid into other bays was noted. Twelve of the 18 premises rendering SBO and non-SBO material were doing so in shared cooking facilities but at different times. Cleaning methods used for processing equipment were specified in only a few returns. Methods identified ranged from running bones or hot tallow through a machine after a run of SBO, to no cleaning at all. MBM derived from SBO was buried in landfill sites, ploughed into the renderer’s land, or stored.\textsuperscript{1143}

4.155 Despite there being no written request to visit collection centres, Mr Hutchins’ summary also identified 12 collection centres,\textsuperscript{1144} from which information had been received indicating that operators were familiar with the legislation and that compliance was achieved. Storage conditions were generally acceptable, although, as in some rendering plants, there was a possibility of leakage from SBO bays to other areas in some collection centres.\textsuperscript{1145}

4.156 Mr Hutchins suggested that future returns from rendering plants should give details of the cleaning of processing equipment used to process both SBO and other waste and details of tallow disposal. Mr Hutchins concluded:

Some concerns have been expressed by field staff as to the input required for these monthly returns. I have discussed this point with Mr Baker, and wonder whether consideration should be given to a programme of visits every three months, backed up by informal contacts with local authorities and operators each month. Returns would only need to be submitted for the quarterly visits or in the event of significant developments.\textsuperscript{1146}

4.157 Responding to this summary of returns, Mr Meldrum minuted Mr Crawford on 21 January 1991, highlighting the importance of providing feedback to field staff to ensure uniform application of the rules on handling SBO. He noted the need to cover the possibility of leakage of fluid from SBO bays and to ensure that there was no deliberate mixing of SBO and other offal. In relation to Mr Hutchins’s suggestion on the frequency of visits, Mr Meldrum said ‘I take the view that we do need repeat visits and returns in view of the importance of this issue’. He asked for:

i. more information on time/temperature combinations in premises where SBO was being processed;

ii. more detail, where machinery was not cleaned after processing of SBO, and for advice to be given to the operator; and

\textsuperscript{1141} YB90/11.12/6.1
\textsuperscript{1142} YB90/12.18/2.1
\textsuperscript{1143} YB91/1.12/1.1
\textsuperscript{1144} This number included some rendering plants that were not processing SBO
\textsuperscript{1145} YB91/1.12/1.2
\textsuperscript{1146} YB91/1.12/1.2
iii. information on how tallow was being used.

4.158 Mr Meldrum’s request led to the issue of AHC 91/9 to all RVOs on 13 February 1991. It requested that all rendering plants and collection centres handling SBOs be visited that month. Thereafter visits to collection centres were to be carried out once every two months, while the frequency of visits to renderers was to be reduced from monthly to once every two months. Visits could be made by an AHO. The circular enclosed a pro forma on the handling of SBO, including separate forms for rendering plants and collection centres. The following questions were to be asked of renderers processing SBO:

1. Is the operator familiar with the requirement of the Bovine Offal (Prohibition) Regulations?

2. How are SBOs identified during collection and transport?

3. How are SBOs handled at the rendering plant?

4. How are SBOs kept separate from other materials on the rendering plant during storage (there should be no direct or indirect contact)?

Is there leakage of fluids from the SBOs to other materials……..Yes/No
If ‘Yes’, what advice has been given to the operator?

5. Processing procedures for SBO

a) Time/temperature of process

b) Are SBOs handled in separate pre-heating equipment?……..Yes/No
   eg grinders, crushers etc

c) If ‘No’ to (b), how is equipment cleaned after SBO processing?

f) What use is made of the tallow produced?

6. Indicate the disposal procedures for the processed SBO material.

Are the requirements of the Bovine Offal (Prohibition) Regulations satisfied? ………………………………………………………………………Yes/No
If ‘No’, specify the contraventions identified, and the action taken.

4.159 A similar pro forma was provided for collection centres, which in addition to questions 1 – 4 above asked the destination of the SBOs.

4.160 On 1 March a corrigendum to the AHC (AHC 91/14) was issued adding the missing sub-questions 5 d) and e) to the pro forma. They were:

   d) Is a cooker reserved solely for processing of SBOs?……………..Yes/No
e) If ‘No’ to (d), how is the equipment cleaned after SBO processing?\(^{1150}\)

4.161 Mr Hutchins’s summary of the returns on rendering plants for February 1991, largely collated before the issue of AHC 91/9, stated that there had been very few changes in the returns from those submitted for the previous month. Awareness of the SBO regulations remained ‘high’, with operators ‘reported to be fully aware of their legal responsibilities’. SBO was identified by the use of separate marked bins and containers. No problems with the separation of SBO were recorded, and the problem reported previously of leakage from one bay to another was not recorded amongst the latest returns. Furthermore, no changes were reported on the disposal of MBM derived from SBO. The summary recorded that tallow derived from SBO was used in poultry feed, ‘animal’ feed, soap and for ‘industrial purposes’.\(^{1151}\)

Mr Lawrence questions the effectiveness of the SVS visits to rendering plants

4.162 However, the promising reports from the SVS returns were contradicted by reports from industry of non-compliance with the animal SBO ban. Mr Lawrence expressed his concerns about the existing scheme of SVS visits and returns in a minute to Mr Crawford on 5 March 1991. Copies went to Mr Meldrum, Mr K Taylor, Mr K Baker, Mr Lowson, Mr D Taylor, Mr Hutchinson, Mr Maslin and Dr Matthews. The minute attached a copy of a note from a ‘reliable’ but unnamed source alleging wrongdoing in respect of SBO in certain rendering plants. Mr Lawrence stated that the problem was that if a VO or AHO followed up such reports, either by telephone or by a visit, there would simply be a flat denial. He added that ‘short of catching them in the act it is a pretty hopeless task’.\(^{1152}\)

4.163 Mr Lawrence repeated his previous suggestion for improving the monitoring of compliance with the ban:

I still maintain that in certain cases the completion of the questionnaire may not be enough. I have suggested in the past that a more scientific approach would be to track the movement of raw material from abattoirs right through to the disposal of meat and bonemeal. I know that such an exercise is fraught with difficulties (not least in trying to correlate the weight of the raw material to the finished product – as I am sure Steve Hutchins will remind me!). But the plain fact is that regular visits and the completion of a questionnaire won’t deter abuse. And persistent reports suggest that it is going on . . .

Is a possible approach to look at the records at rendering plants – perhaps during the PAPO visits [inspections under the Processing of Animals Protein Order 1989] or during visits to check on SBOs? At least if the news got round that MAFF were conducting more ‘in depth’ checks it might deter some.\(^{1153}\)

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\(^{1150}\) YB91/3.01/8.1
\(^{1151}\) YB91/2.21/2.1. The summary was submitted on 21 February 1991
\(^{1152}\) YB91/3.05/1.1
\(^{1153}\) YB91/3.05/1.1 paras 2 and 3
4.164 Mr Crawford responded two days later:

I appreciate that confidentiality of the source of the information probably has to be observed but I would like to have a little more information. It is possible that if we know how this information was obtained it may give us a lead on how to find the evidence. The processors mentioned are reasonably widely distributed and there must therefore be a question of how one informant gained all of this information. I would like to discuss this with you in a little more detail.

Although I agree that it will be difficult to catch these operators in the act, I would like to consider in more depth what action we can take and will take advice from colleagues over the next few days. I will then agree a line of action with RVOs when they are in Tolworth next week.  

4.165 Mr Crawford explained to the Inquiry that pursuing such reports of non-compliance proved difficult:

We regularly received from reliable sources who wished to remain anonymous various allegations and our staff spent quite a bit of time investigating them and they were never substantiated...we were told that SBOs were arriving at renderers without being stained and several renderers were being mentioned, and that is why I was saying it would be geographically widespread. Our staff did follow this up and they did not find evidence when they went to the renderers at that time. Later in 1994 they did.

4.166 Mr Lawrence’s proposal for an alternative system of monitoring by tracking SBO through processing was again rejected. Mr Crawford confirmed that he consulted colleagues within MAFF about the proposal:

But the outcome obviously was against making checks because we did not implement them at that time. We did also of course take his point about checks throughout the chain, and later on we introduced checks, but that was not until 1993 that we introduced checks from slaughterhouse to disposal.

SVS visits continue

4.167 On 7 May 1991 Mr Hutchins circulated a further summary of returns from 19 rendering plants receiving or processing SBO and 15 collection centres. He noted:

i. the quality of information had improved since the introduction of pro formas;

ii. awareness of the legislation remained high;

iii. identification of SBO material was generally achieved by the use of separate bins but the staining of SBO at slaughterhouses was also used as a means of identification;

1154 YB91/3.07/6.1
1155 T125 p. 66
1156 T125 p. 65
iv. separation of SBO material was ‘generally good’, with clear separation between SBO and other offals. There was no risk of SBO being mixed with other offal but the possibility of leakage of SBO fluids across bays was noted in three premises. In one plant, it was noted that the same tractor bucket was being used for SBO and non-SBO material; and

v. considerable variation was noted in the processing techniques being used to render the SBO.\textsuperscript{1157}

4.168 Mr Hutchins reported that in plants where both SBO and other offal were handled, cleaning procedures varied widely. Ten premises handling SBO and non-SBO material used common pre-heating equipment and nine used common rendering equipment. In some, careful consideration was given to the issue of cross-contamination. In others, the issue did not appear to have been addressed at all. The various approaches identified included the following:

i. no cleaning;

ii. physical sweeping or raking;

iii. steam cleaning and/or disinfection; and

iv. treating the next load after an SBO load as SBO.\textsuperscript{1158}

4.169 Mr Hutchins’s summary described the uses of tallow, which included ‘edible tallow, animal feed, technical grade tallow, industrial uses (unspecified), soap production, poultry feed, fuel and sale to brokers (ultimate use unknown)’. The report stated that there ‘was little evidence to suggest that tallow produced from SBOs was handled separately from tallow produced from other offals’. There were no reports of a build-up of SBO derived meal as it was largely buried, used as fertiliser or stockpiled.\textsuperscript{1159}

4.170 Fifteen collection centres were identified in the summary, although it was recognised that this may have represented an underestimate of the true number, as it appeared likely that the smaller, non-dedicated premises, such as knacker’s yards, had not been included in the count. Identification and separation of SBOs at these premises was described as ‘generally satisfactory’, although ‘occasional incidents’ of indirect contact between SBO and other offal were reported.\textsuperscript{1160}

4.171 Mrs Attridge said in a statement to us:

\ldots these [reports] did not indicate any major problems other than the obvious one of uneven general standards which was being addressed through consideration of a uniform meat hygiene service.\textsuperscript{1161}

The use of tallow in animal feed

4.172 The process by which animal waste is rendered to produce tallow is described in vol. 13: \textit{Industry, Process and Controls}. Tallow is the primary product of rendering. Essentially, rendering involves crushing animal by-products (eg, fat,
bones and internal organs), heating them to drive off the water content and then separating the residue into fat (generally called ‘tallow’) and solids (known as ‘greaves’). The circumstances in which the Government sought advice from SEAC regarding the safety of tallow in general is considered in detail in vol. 11: Scientists after Southwood. For the purposes of this volume we will limit our consideration to tallow derived from SBOs. Following the introduction of the animal SBO ban, SBO-derived tallow was not prohibited for inclusion in animal feed as it was not regarded as falling within the definition of ‘animal protein’ despite containing very small levels of protein. Two papers on tallow were considered by SEAC at its meetings of 1 November 1990 and 7 March 1991 respectively (see vol. 11: Scientists after Southwood). The first paper noted that:

In the light of epidemiological evidence and the various measures taken to deal with BSE, it has not been considered necessary to impose restrictions on the use of tallow in rations for ruminants and other animals, birds or poultry. Neither has it been considered necessary to ban the use of tallow produced from specified bovine offal in feed rations. Most of this latter material is processed in one plant and is used for industrial purposes.\textsuperscript{1162}

4.173 Having considered the paper, SEAC did not feel there was an urgent need to consider any risks associated with the use of tallow. However, it requested further information on the use of tallow derived from cattle and from scrapie infected sheep.\textsuperscript{1163}

4.174 The second paper that SEAC considered at its meeting on 7 March 1991 explained that ‘historically’ about 10 per cent of the raw material used in the production of tallow had come from knacker’s yards and hunt kennels, which handled fallen or casualty animals.\textsuperscript{1164}

4.175 Of the 250,000 tonnes of tallow produced each year, the paper stated that 75,000 – 100,000 tonnes, mostly lower grade, was used in animal feed. Of this, 5,000 tonnes was used in cattle and calf rations. The paper informed SEAC that samples analysed at one of the major rendering plants indicated maximum levels of 0.1–0.3 per cent protein in tallow intended for animal feed (see Chapter 2 for further discussion on the inclusion of tallow in animal feed).

4.176 In terms of the potential for protein to find its way into feed grade tallow, the paper stated:

It is just conceivable that feed grade tallow might contain protein, but in view of the four filtrations and blendings the quantities would be minute. The possible presence of the BSE agent as a result of any minute quantities of protein in tallow was considered in the previous paper [presented to the Committee at its meeting in November 1990]. It suggested that it would be in such small quantities that neither infection nor disease would be possible. It is considered that the same would apply to tallow derived from specified bovine offal, not only because of filtration and blending but also because well over 80% of the raw material will be from cattle which have not been exposed to the agent. In any case the UK Renderers Association confirm that

\textsuperscript{1162}SEAC 6 tab 2
\textsuperscript{1163}YB90/15.01/2.1–2.7
\textsuperscript{1164}SEAC 7 tab 2
all the 10–20,000 tonnes of tallow derived from this market is used for industrial purposes.\textsuperscript{1165}

4.177 SEAC concluded that it was:

reassured by the evidence that the protein content of tallow was very low and that MAFF did not believe that tallow derived from specified offals was likely to reach the food chain. . . . On the basis of the available evidence, it was not appropriate to offer specific advice on tallow.\textsuperscript{1166}

4.178 Following further inquiries into the use of tallow, Mr Hutchins circulated a minute within MAFF on 3 June 1991. He noted that it was ‘now stated that no SBO-derived tallow is used in the preparation of human foodstuffs (apparently an error in the original report)’, but that it was used in three cases for animal feed production. Mr Hutchins noted that in other premises SBO-derived tallow was used for chemical or manufacturing purposes, or was disposed of with other SBO-derived material.\textsuperscript{1167}

SVS visits continue

4.179 Mr Hutchins circulated the next summary of visits to rendering plants and collection centres on 25 June 1991. The summary did not differ materially from the previous report. Minor differences in the number of infringements were identified, including the lack of reports on the leakage of fluids between bays. In respect of the use of tallow derived from SBO, Mr Hutchins recorded that there were no further developments since the circulation of his minute dated 3 June. He noted that it was too early to tell whether the material would continue to be used in animal feedstuffs.\textsuperscript{1168}

4.180 In July 1991 Mr Alick Simmons succeeded Mr Hutchins as the SVO responsible for red meat hygiene. It was he who, on 2 September 1991, prepared and distributed the next summary of returns from rendering plants and collection centres. It repeated the previous report’s statement that awareness of BSE legislation remained high. Whilst most premises were using separate marked bins and containers for SBO, some larger premises were using a separate vehicle or skip due to the amount of material involved. Separation of SBO was described as ‘generally good’ with one plant disinfecting and degreasing bays after the removal of SBO to prevent leakage. Eleven plants continued to use common pre-heating equipment for SBO and non-SBO material, while nine used common rendering equipment. Procedures for cleaning processing equipment continued to vary widely from ‘there being none, through physical sweeping or raking, to steam cleaning and/or disinfection’.\textsuperscript{1169}

4.181 Reports on the use of tallow (see vol. 11: Scientists after Southwood for details) made no mention of their use in animal feedstuffs (a practice mentioned in previous reports), but noted that most tallow was sold via brokers for industrial use, technical uses and soap manufacture. Fourteen collection centres were identified, although, as previously, it was stated that this might have been an underestimate.

\textsuperscript{1165} SEAC 7 tab 2
\textsuperscript{1166} YB91/3.07/2.4
\textsuperscript{1167} YB91/6.3/1.1
\textsuperscript{1168} YB91/6.25/3.1
\textsuperscript{1169} YB91/9.02/2.1
Identification and separation of SBO at collection centres seemed to be satisfactory with ‘good awareness of the legislative requirements being reported’. There was only one report of material arriving at a collection centre inadequately stained – a matter which was taken up with the appropriate local authority.1170

**Code of Practice for renderers on the handling of SBO**

4.182 Despite the generally positive tenor of the SVS returns, disquiet existed within MAFF about what was happening in rendering plants. The day after distribution of this latest summary of returns, Mr Meldrum wrote to Mr Crawford, on 3 September 1991, expressing his concern about plants where both SBO and normal offal were being rendered.1171 In particular, he was concerned that in some situations there would be no purging of the rendering system between runs. He requested that the relevant information be reviewed by Mr Simmons and that draft procedures ensuring that there was no cross-contamination in the processing plants be prepared for his consideration. Mr Meldrum’s intervention led to the preparation of a Code of Practice for renderers.

4.183 In accordance with Mr Meldrum’s request, Mr Simmons examined the methods used to prevent cross-contamination between SBO and other material at rendering plants and submitted a report to Mr Crawford on 16 October 1991.1172 It identified 13 rendering plants that were processing both SBO and non-SBO material. Mr Simmons stated:

> There is potential for cross-contamination at all stages of the process described . . . but the risk appears greatest when common equipment is used to prepare the material prior to cooking. Machinery such as macerators and augers have a large number of moving parts and as a consequence they are difficult to clean. In general, attempts are made to clean the equipment before it is used for non-SBO material but no plants are reported to dismantle equipment between batches. However, this type of machinery, particularly augers, is prone to ‘dead spots’ in which material accumulates; this can only be removed if it is dismantled prior to thorough cleaning.

. . .

> It is clear that the procedures are not wholly effective in preventing cross-contamination. The amount of infectious agent, if any, reaching susceptible animals through contamination of animal protein feed with SBO will be very small. However, it is important to avoid complacency; the risk may be impossible to quantify but that does not justify abandoning attempts to reduce it. Nevertheless, it is important that the risk is kept in perspective.

> The introduction of legislative controls to ensure separation between SBO and other material at rendering plants would not only be resisted by the rendering industry but would draw the attention of the public to the BSE issue at the time when a fall in the numbers of reported cases is expected. SBO and material derived from SBO would be perceived as akin to toxic waste and we may be forced into imposing a requirement to incinerate.

1170 YB91/9.02/2.2  
1171 YB91/9.03/3.1  
1172 YB91/10.16/1.1–1.9
In my opinion, such a measure would be unjustified. I recommend an approach where a Code of Practice is issued to the rendering industry including advice on methods and practices which reduce the risk of animal protein being contaminated with SBO.\textsuperscript{1173}

4.184 Mr Simmons annexed a draft Code of Practice and a draft covering letter to be sent to renderers.\textsuperscript{1174}

4.185 The draft Code of Practice was ‘subject to an internal and external consultation procedure’.\textsuperscript{1175} This included a copy of it being issued to the renderers’ trade association, UKRA, who circulated it to members for consideration.\textsuperscript{1176} Their comments on the Code are considered below at paragraphs 4.197–4.201.

**The Bovine Spongiform Encephalopathy Order 1991**

4.186 On 20 September 1991 Mr Lowson forwarded a submission to Mr Gummer inviting him to sign the 1991 Order. The main objective was to consolidate existing BSE legislation. In addition, the Order sought to implement advice from SEAC that SBO-derived protein material ‘could not be recommended’ for use as fertiliser,\textsuperscript{1177} and to correct ‘some minor’ errors in earlier legislation.

4.187 Article 9 of the 1991 Order was designed to implement the recommendation from SEAC by regulating disposal of protein derived from SBO. The submission to the Minister explained that three options had been recommended by SEAC:

– disposal on licensed landfill sites;

– incineration;

– other methods covered by a licence issued by MAFF.

As envisaged disposal on licensed landfill sites and by incineration would therefore have been exempt from licensing requirements. However, having considered this further officials have concluded that this would not give us sufficient control over the disposal of this material; it would not be easy to answer questions about how we know what was happening to the material. It is therefore recommended that *all* movement of protein derived from specified bovine offal be under licence. We envisage that, as far as the small number of renderers in fact involved in processing specified offals are concerned, this would be done by a general licence embodying requirements about record-keeping. Such an approach will help to indicate how much material is disposed of and where without being a serious administrative burden.\textsuperscript{1178}

\textsuperscript{1173} YB91/10.16/1.3
\textsuperscript{1174} YB91/10.16/1.7 and YB91/10.16/2.1
\textsuperscript{1175} S87B Simmons para. 7
\textsuperscript{1176} YB92/1.09/1.1
\textsuperscript{1177} YB91/5.10/2.2
\textsuperscript{1178} YB91/9.20/1.2–1.3
4.188 In relation to the corrections to earlier legislation the submission noted:

Because of the speed with which the BSE (No. 2) Amendment Order 1990 was brought in to prohibit the use of specified bovine offals in any animal feed two minor errors crept in . . .

Neither of these have had any effect in practice. Nevertheless the new Order would correct both these points.\textsuperscript{1179}

4.189 It continued:

Local authority bodies and interested organisations have been consulted/informed. It is recommended that a short news release be issued focussing primarily on the ban on the use of protein derived from specified bovine offals as a fertiliser.\textsuperscript{1180}

4.190 The conditions of the movement licence attached to the submission required information on the date of the movement, the weight of the SBO both before and after processing, and the destination of the consignment being a landfill site (licensed by the local authority), an incineration plant (licensed by the local authority) or other authorised destination.\textsuperscript{1181}

4.191 The Bovine Spongiform Encephalopathy Order 1991 (the 1991 Order) came into force on 6 November 1991.\textsuperscript{1182} The 1991 Order consolidated all the existing BSE legislation for the protection of animal health. The new Order also corrected the two errors which had been identified in the 1990 Order. This involved amending the definition of SBO so as to include SBO derived from animals that had ‘died’ in the UK (see section on monitoring of knacker’s yards and hunt kennels), and limiting the scope of the ruminant feed ban (see Chapter 2).\textsuperscript{1183} Furthermore, a new article 9 prohibited the movement of any SBO-derived protein except under licence. It provided:

No person shall remove from any premises any protein which is derived from any specified bovine offal, except under the authority of a licence issued by an officer of the appropriate Minister and in accordance with any conditions subject to which the licence is issued.\textsuperscript{1184}

4.192 On 30 October 1991 AHC 91/93 was issued to all SVS veterinary and technical staff including HQ staff enclosing a copy of the new legislation. The circular explained that the new Order effectively prohibited the use of SBO-derived material for use as fertiliser by permitting the movement of such material only under licence issued by MAFF. Licensing would require an initial visit by an AHO to the processing plant to determine the destination of the material and a telephone call to the relevant waste disposal authority in order to confirm the destination to ensure it could accept organic waste. Quarterly visits to renderers would also be required to check records and twice-yearly visits to destinations of SBO-derived protein would be required to corroborate details and to ensure meal is destroyed on site.\textsuperscript{1185}

\begin{footnotesize}
\begin{enumerate}
\item[1179] YB91/9.20/1.4–1.5
\item[1180] YB91/9.20/1.6
\item[1181] YB91/9.20/1.13–1.14
\item[1182] L2 tab 7
\item[1183] L2 tab 7 articles 2 and 12
\item[1184] L2 tab 7 article 9
\item[1185] YB91/10.30/1.1–1.2
\end{enumerate}
\end{footnotesize}
SVS monitoring continues

4.193 Meanwhile, the SVS monitoring programme continued and, on 13 November 1991, Mr Simmons circulated another report on rendering plants and collection centres covering the previous two months.\textsuperscript{1186} He advised that the position remained ‘relatively unchanged’ from previous reports, but that a new format had been adopted for the summary. Mr Simmons noted that ‘handling and processing appears to be carried out responsibly and separation of SBO from other material is satisfactory’, yet procedures varied considerably from plant to plant. On tallow he said:

There is no indication that any tallow produced from SBO is used for animal feed or human consumption but as the usual brokers are cited as the destination of the tallow it is not possible to establish the ultimate destination from these reports.\textsuperscript{1187}

4.194 Mr Simmons noted that whilst the majority of premises were disposing of SBO-derived material in landfills, two renderers were stockpiling the material while another two plants were disposing of it on arable land, one, by selling it as fertiliser and the other, by ploughing it into its own arable land in contravention of the 1991 BSE Order. Mr Simmons also questioned the legality of stockpiling SBO.

4.195 Mr Crawford responded to Mr Simmons’s query on 3 December 1991. Following clarification from the policy division, he confirmed that:

The 1991 Order (Article 9) prohibits, except under licence, SBO protein from being removed from any premises. SBO protein may therefore be stockpiled on site. Off-site stockpiling would require a licence issued by MAFF as would subsequent movement from both stockpiles.\textsuperscript{1188}

4.196 In an unrelated summary of reports on knackeries and hunt kennels in December, Mr Simmons noted that ‘the ban on the use of processed specified bovine offal as fertiliser has rendered the entire production of meat and bonemeal unusable as SBO is not kept separate’.\textsuperscript{1189}

Consideration of the Draft Code of Practice

4.197 As part of the consultation process on the draft code of practice for renderers, on 3 January 1992, Mr Edward Metcalfe of Fats & Proteins (UK) Ltd, a rendering company, responded to Mr Alan Sadler, the Secretary of UKRA:

How we as renderers can be expected to monitor both unstained and often very poorly segregated material defies me. We are expected to be able to judge if a set of tonsils or intestines, etc are from an animal of 5 or 7 months of age and then take the appropriate action. We provide well identifiable containers and still the abattoirs can get the material mixed up.\textsuperscript{1190}
On 9 January 1992 Mr Sadler wrote to Mr Meldrum attaching a copy of Mr Metcalfe’s letter. Mr Sadler asked Mr Meldrum to prepare his own comments in response to the points in Mr Metcalfe’s letter and to provide these to UKRA in writing for its forthcoming Technical Committee meeting on 30 January 1992. Mr Meldrum replied on 27 January 1992, briefly explaining the background to the introduction of the SBO ban and the reasons for particular tissues being subject to the ban. Mr Sadler reported the conclusions of the Technical Committee to Mr Maslin on 12 February 1992, explaining that ‘where the full and complete responsibility for segregation of the material was attributed to Renderers, [it] was not only unacceptable but is also impractical’. He noted that other sectors of the industry that supplied SBO needed to be covered by similar codes of practice. He also attached an amended code of practice reflecting their concerns.

On 2 March 1992 Mr Maslin wrote to Mr Sadler regarding the draft Code of Practice. He said:

We are not at the moment considering similar codes for other parts of the industry. That does not however mean that the legislation on SBO is being less strictly applied.

Mr Sadler later wrote, on behalf of UKRA, endorsing and supporting the publication of the draft Code of Practice.

The issue of cross-contamination between SBO and non-SBO runs at rendering plants was raised by a VO in December 1991. He wrote to Dr Matthews following a renderer’s request to begin processing SBO. He reported that the rendering plants’ proposal, to flush the system with a limited amount of ordinary offals, did not appear adequate to prevent cross-contamination between SBO and non-SBO runs. He suggested that the operator could be informed that his proposed methods of preventing cross-contamination were unsatisfactory, and point out that it would be an offence to claim that the material was free of SBO. However, Mr Simmons’s reply on 31 January 1992 noted that it would be ‘imprudent for MAFF to attempt to prevent’ the operator from processing SBO. He suggested that, until such time as the Code of Practice was issued, the operator should be provided with practical advice on how to minimise cross-contamination.

SVS monitoring continues

Mr Simmons’s next summary of returns on renderers and collection centres on 31 January 1992 was largely unchanged from the report of 13 November 1991, except to say that those plants stockpiling SBO-derived material were considering alternatives and no plants were disposing of processed SBO onto arable land or by sale in fertiliser.

This picture was repeated when Mr Simmons’s next summary of returns was circulated on 10 April 1992. The only material difference from the previous report was that the amount of SBO-derived material being stockpiled was declining.
reiterating that there was a considerable variation in handling and processing procedures at rendering plants, Mr Simmons added:

The Code of Practice on the Handling of Specified Bovine Offal at Rendering Plants, recently agreed by the UKRA, should clarify our policy with respect to the separation of the material in these plants, and should, where appropriate, facilitate exports of meat and bone meal where this is processed at the same plant.\textsuperscript{1198}

**The use of SBO-derived tallow in animal feed is considered**

4.204 On 9 April 1992 a joint meeting took place, attended by members of the Lamming Committee and members of SEAC. One of the matters raised for discussion at the meeting was the use of tallow from SBO. In the course of the discussion Dr Tyrrell said:

The Committee [SEAC] had been content with the situation with regard to tallow derived from specified bovine offals, as they had been informed that all such tallow was being used for industrial purposes rather than for animal feed.\textsuperscript{1199}

4.205 The minutes record that Mr M Maclean, a member of the Lamming Committee, felt that:

\ldots this could only be said with any certainty in relation to Prosper De Mulder, which had a plant dedicated to processing specified offals. Mr Lowson confirmed that tallow from specified bovine offals could still be legally fed to animals, as the ban only covered the offals themselves or protein derived from them.\textsuperscript{1200}

4.206 At SEAC’s meeting on 28 April 1992, the Committee was presented with a draft minute of the meeting with the Lamming Committee. This led to further discussion of the matters which had been discussed at that meeting. The minutes of SEAC’s meeting record that, on tallow:

\ldots the Committee’s view that further restrictions were not needed has been based on assurances from MAFF that tallow derived from SBOs did not get into the food chain. The Lamming Group would need to satisfy itself that this was the case. It might be appropriate for MAFF to explore the issue further to produce evidence which could reassure the Group on this point.\textsuperscript{1201}

4.207 SEAC considered a further MAFF paper on the production of tallow at its next meeting on 15 October 1992. The paper began by saying that, although SEAC had considered tallow in some detail previously and had not requested any further information, the Committee might be interested in additional information gained as a result of a visit to one of the largest tallow blenders in the UK. At the meeting with MAFF, the tallow blending company had confirmed that the figures for the inclusion of tallow in animal feed, provided to SEAC by Mr Lawrence in March
1991, correctly reflected the position. In respect of the production of tallow from SBO the paper stated:

About 12,000 tonnes of tallow derived from SBOs is produced annually. The UKRA has always claimed that none of it enters the animal feed chain. The problem, as has been identified in reports from the field service (who visit rendering plants on a regular basis, principally to check on the production and disposal of meal derived from SBOs) is that some renderers simply state that the tallow is sold to blenders, brokers or traders. In the circumstances they cannot, with hand on heart, possibly know where the material ends up. However all the evidence points to the fact that those involved in the trade know about SBOs and are ensuring that such tallow goes for chemical use. And in practice most of the tallow derived from SBOs (produced by the major renderer in the UK) is sold direct to chemical companies.1202

4.208 The minute of SEAC’s meeting records that:

In general the Committee saw no problem with the use of tallow of bovine origin for any outlet. However, they noted that tallow derived from specified bovine offals was excluded from human food. As the BSE epidemic declined, it would be necessary to deal with every possibility that the infective agent might be sustained. So even though the risk that the presence of infectivity was slight, it would make sense to bring the rules about the use of SBO-derived tallow for animal consumption into line with those that applied to human consumption.1203 [See vol. 11: Scientists after Southwood]

Mr Lawrence raises further concerns

4.209 Despite the tone of the earlier reports, on 5 June 1992 Mr Lawrence reported to Mr Crawford:

. . . I have received three phone calls in the last two days all alleging that SBOs are being processed as non-SBO material and that the resultant meat and bonemeal is being used in feedstuffs . . .

There have been a number of allegations made about this in the period since the use of SBOs (and meat and bonemeal derived from it) was proscribed in 1990. However, we have not had so many in such a short space of time. One suggestion is that the current market position has tempted more operators to go outside the law; meat and bonemeal prices are up to £150 a tonne and there is a shortage of material.1204

The Code of Practice is issued to renderers

4.210 On 7 August 1992 the ‘Code of Practice for the Handling of Specified Bovine Offals (SBO) at Rendering Plants’ was issued to SVS staff as an annex to AHC 92/94.1205 DVOs were asked to distribute the Code of Practice to all rendering plants in their division and, during regular visits to plants, to ensure that the Code was fully

1202 SEAC 13 tab 5 para. 11
1203 YB92/10.15/2.6 para. 16
1204 YB92/8.07/1.1–1.3 or M42 tab 13

1205 Code of Practice – M12A tab 5, AHC 92/94 – YB92/8.07/1.1–1.3 or M42 tab 13
understood and applied by plant management and staff. A notable difference between the final version of the Code of Practice and the initial draft prepared by Mr Simmons was the removal of references to ‘cross-contamination’ of other protein with SBO in favour of the term of ‘comminglement’. Mr Simmons suggested this change after both Mr Davies and Mr K Taylor had expressed concern over the use of the word ‘cross-contamination’.

4.211 The Code of Practice stated that:

... renderers have a responsibility to [ensure] that their procedures for transportation, storage, handling and processing of SBO are correctly undertaken and thus minimise the risk of possible comminglement with their other productions of animal proteins, particularly where both categories of material are processed on the same site . . . The purpose of this ‘Code of Practice’ is therefore both to provide guidance and also set out acceptable methods that will best minimise any risk.

4.212 The Code of Practice advised that the best method of avoiding ‘comminglement’ was to use separate facilities for the processing of SBO material. However, it recognised that this would not be possible in many cases, and advised the following specific measures:

i. Dedicated, easy to clean and clearly marked storage facilities for SBO should be used. Where this was not possible, facilities needed to be thoroughly cleaned before being used for non-SBO material.

ii. During storage SBO must not be allowed to come into contact with any other materials. Overfilling of SBO containers should be avoided.

iii. Preferably, separate tools and mechanical equipment should be used for handling and processing SBO and the processed SBO.

iv. Equipment used solely for SBO should be clearly marked. Where separate equipment could not be provided items should be thoroughly cleansed before use with other materials.

v. In respect of cooking equipment, where separate facilities were not available equipment should be cleansed to remove all traces of SBO (this would involve dismantling the equipment), or purged twice with sufficient material to remove the traces of SBO. All material used during the purging of the machines should then be treated as SBO.

vi. Processed SBO should be stored in dedicated separate, leak-proof, easily cleanable facilities.

4.213 As well as enclosing the Code of Practice, AHC 92/94 also described reports from industry that SBO was not always being kept separate from other material in slaughterhouses and during transport to renderers and that, as a result, some MBM derived from SBO was going into animal feed. The AHC stated that the ‘essential feature in effective control’ was to ensure that SBO was kept separate from other material at the slaughterhouse and during transportation to rendering plants. Upon reaching the renderer, SBO had to be processed separately and the ‘resulting meat

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1206 From 1991 ACVO, Head of the Animal Health and Welfare Veterinary Section
1207 YB92/2.24/2.1. We were unable to obtain copies of original minutes ‘expressing concern’
1208 M12A tab 5 introductory para.
1209 M12 A tab 5 paras 1–11
and bonemeal disposed of, under licence, in a proper manner’. The circular noted that the licence authorising the movement of protein derived from SBO included the requirements for the date of movement, the weight of SBO and SBO-derived protein before and after processing and the destination of the consignment. The conditions of movement licences were to be ‘extended to include information about the origin of the raw material’. This information was to be verified by spot checks at any premises where SBO was produced, including slaughterhouses, knacker’s yards and hunt kennels.1210

4.214 In relation to rendering plants, the AHC stated that checks were to be carried out ‘from time to time’ to compare the weight of SBO raw material input and MBM yield. The AHC recorded that experts in the rendering industry estimated that the protein yield would be about 25 per cent of the original weight and any ‘major discrepancies would justify follow-up action’.1211

SVS visits continue

4.215 There are no reports available on handling of SBO at renderers and collection centres for the period from May 1992 to September 1992.

4.216 The next summary of returns was circulated by Mr Simmons on 16 December 1992, covering the previous two months. Little appeared to have changed from earlier reports which we have seen, although few renderers were now reported to be either stockpiling or incinerating MBM derived from SBO. Mr Simmons did, however, express his concern that ‘[Head Office] is not gaining a complete picture of SBO disposal’, and enclosed a draft replacement AHC and pro forma for consideration.1212 The draft AHC marked the initiation of a review by Mr Simmons of the system of monitoring the SBO controls which culminated in the issue of a new set of instructions to field staff in early 1993. See paragraph 4.255. This will be discussed further below, following a review of the information received up to January 1993 about knacker’s yards and hunt kennels.

Animal By-Products Order 1992

4.217 The Animal By-Products Order 1992 came into force on 1 January 1993. It implemented EC Council Directive 90/6671213 and set out veterinary rules for the disposal and processing of animal waste.1214 The Order provided that animal ‘by-products’, including fallen animals and animals killed in the context of disease control measures, had to be disposed of by rendering in approved premises, incineration or burial.1215 The Order also introduced a requirement that premises used for rendering should meet certain operating and hygiene standards and should be approved in writing by the Minister. Similar controls were also introduced for hunt kennels and maggot bait farms.1216

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1210 YB92/8.07/1.1–1.2 or M42 tab 13
1211 YB92/8.07/1.2 or M42 tab 13 para. 6
1212 YB92/12.16/1.1
1213 L4 tab 1
1214 L1 tab 10
1215 L1 tab 10 article 5(1), subject to exemption in article 5(2)
1216 L1 tab 10 articles 8 and 10
4.218 SBO was later expressly excluded from the operation of the Animal By-Products Order by the Animal By-Products (Amendment) Order 1996 which came into force on 8 April 1996. 1217

Monitoring in knacker’s yards and hunt kennels, November 1990 to January 1993

4.219 In mid-1990 there were approximately 270 hunt kennels and 130 knacker’s yards in Great Britain. 1218 Some features of the knacker industry are described in Chapter 5 of vol. 13: Industry, Processes and Controls.

4.220 From December 1990, SVS visits to knacker’s yards and hunt kennels were required on a monthly basis. The Inquiry was provided with copies of the summaries of returns generated by these visits up until December 1992.

4.221 We have seen no instructions which specified precisely what it was that VOs were expected to monitor on these visits. The only relevant regulations in 1990 were the 1982 Meat (Sterilisation and Staining) Regulations (MSSR). For the reasons described above at paragraphs 4.52–4.54, the 1989 Regulations and the 1990 Order did not impose any obligations on knackers or hunt kennels in respect of handling of SBO and did not cover material from fallen stock until the amendments introduced by the BSE Order in 1991. Advice provided to Mrs Sylvian Sadowski of the Meat Hygiene Division in June 1995 by Ms Heron of the Legal Department summarised the situation in respect of knackers:

    I do not see the basis upon which we can advise local authorities to enforce the 1989 Regulations in knacker’s yards if those Regulations do not extend to such premises . . . I think the most we could say is that we would hope that as a matter of good practice the regulations are observed in knackers yards. 1219

4.222 Nonetheless, it appears that it was contemplated that the SVS visits would monitor the manner in which knackers and hunt kennels were dealing with SBO. In his instruction on 18 December 1990, Mr Crawford had stated not only that knacker’s yards and hunt kennels should continue to be visited monthly, but that at these visits staff were to review ‘the procedures for the disposal of waste material generally and the specified offals in particular’. 1220

4.223 It is unclear on what basis some parts of industry and government proceeded in monitoring the animal SBO ban at knacker’s yards and hunt kennels. Mr Crawford told the Inquiry that, prior to the amendment in the animal SBO ban in 1991, he believed that local authorities ‘treated the knackers as though they were covered by the [animal SBO] regulations in respect of SBOs’. 1221 Mr Crawford said in a statement to the Inquiry that the frequency of visits to knacker’s yards was:

1217 L1 tab 13 article 3
1218 YB90/11.23/1.3; YB91/5.31/3.3
1219 YB95/6.14/1.1
1220 YB90/12.18/2.1
1221 T125 p. 120
. . . considered necessary to monitor the disposal of SBOs from premises where there was significantly less supervision than in slaughterhouses.\textsuperscript{1222}

4.224 Mr Crawford described the purpose of the SVS visits in the following terms:

. . . to ensure SBO material was being handled in accordance with our requirements and whether it was all treated as SBO or whether there was separation at the knackers.\textsuperscript{1223}

4.225 Mr Meldrum said in a statement to the Inquiry:

. . . although knacker’s yards and hunt kennels were not formally subject to the SBO regulations to all intents and purposes they were being treated no differently from slaughterhouses and other premises in that they were also subject to SVS monitoring and surveillance.\textsuperscript{1224}

4.226 However, this was not reflected in the summaries of returns of SVS visits to knacker’s yards and hunt kennels which were sent to Mr Crawford and other MAFF officials. These summaries, prepared by Mr Hutchins and, later, Mr Simmons, did not report on the handling of SBO.

4.227 The results of the first monthly visits to knacker’s yards and hunt kennels were summarised and distributed by Mr Hutchins on 17 January 1991. These summaries were compiled from a total of 23 returns. Mr Hutchins noted an increase in charges for the collection of waste material. He reported that hunt kennels were increasingly taking on the role of knackers and identified ‘the possibility of unfit carcasses entering the unfit meat trade as a result of the financial pressures associated with the increase in collection charges (no reports of this problem to date)’. Mr Hutchins suggested that future visits be made once every three months ‘backed up by informal contacts with local authorities and operators each month’.\textsuperscript{1225}

4.228 Mr Meldrum received a copy of Mr Hutchins’s report and minuted Mr Crawford on 21 January 1991, making the following comments:

You will have seen Mr Hutchins’s minute of 17 January which makes somewhat disturbing reading.

It is essential that this work continues, that the present programme of visits is maintained and that reports are submitted to Head Office regularly. It indicates that our staff in the field are not aware of the importance of this work if they are suggesting that visits should suffice every 3 months.

. . .

Once again you will have to ensure that there is a feed back to our staff on the problems that have been identified in the returns, not least to guarantee that all returns are despatched as requested.\textsuperscript{1226}

\textsuperscript{1222} S84 Crawford para. 36
\textsuperscript{1223} T125 p. 119
\textsuperscript{1224} S184E Meldrum para. H9
\textsuperscript{1225} YB91/1.17/1.1
\textsuperscript{1226} YB91/1.21/1.1
Meanwhile a general review of some 110 knacker’s yards was conducted in early 1991. The reports indicated that:

... the general standard is very low with premises being of minimal construction, very old and in a poor state of repair with overall hygiene standards described as poor. A few come into the moderate category. Generally, there is no attempt to separate dirty from clean areas, facilities for sterilisation of equipment are usually non-existent and wash basins for use of staff are more often absent than present.1227

It also noted that a number of divisions reported that there was a decreasing demand for pet food from knackers following the media publicity about BSE and, in particular, the cat encephalopathies.

MAFF’s requirements for the monitoring of knacker’s yards and hunt kennels were confirmed by the issue of AHC 91/9 on 13 February 1991. The circular related to returns for visits to rendering plants and collection centres, but advised all veterinary staff that monthly visits and returns were to continue for knacker’s yards and hunt kennels.1228

The next summary of returns was circulated by Mr Hutchins on 20 February 1991. His overall impression was of ‘a marked deterioration in the picture’. There were continued reports on failings to meet the 1982 MSSR by hunt kennels. However, there was no specific reference to SBOs.1229

The next summary of returns prepared by Mr Hutchins on 19 March 1991 recorded that the charges for waste disposal had settled at between £60 and £100 per tonne and compliance with the 1982 MSSR was generally satisfactory. Mr Hutchins stated that occasional problems with the disposal of unsterilised waste were noted and were taken up with operators and local authorities. Again there was no reference to how knackers or hunt kennels were dealing with SBO.1230

On 24 April 1991 Mr Hutchins circulated another summary of returns from knacker’s yards and hunt kennels. It did not disclose any material changes from his previous report, and no reference was made to SBO or its handling.1231

The next summary of returns was circulated on 20 May 1991. This was the first of the returns specifically to refer to SBO. It recorded that SBO disposal was costing £90 per tonne, whereas other offal and waste was charged at £60 per tonne. Compliance with the 1982 MSSR was again addressed. At knacker’s yards it was described as ‘generally acceptable’, but at hunt kennels the situation was considered ‘less satisfactory . . . with particular problems regarding the staining and licensing of waste materials’. It was also recorded that there was ‘considerable confusion amongst both operators and supervisory authorities about the application of the legislation’ and that a ‘plain man’s guide would be helpful’. Mr Hutchins concluded that in relation to hunt kennels ‘compliance with legislation in this sector falls some way short of the ideal’. No comments were made about the handling of SBO material.1232

1227 YB91/2.25/1.1
1228 YB91/2.13/1.1
1229 YB91/2.20/1.2
1230 YB91/3.19/3.1
1231 YB91/4.24/10.1–10.2
1232 YB91/5.20/6.1–6.2
4.236 On the same day the Lamming Committee held its fourth meeting. The minutes of the meeting record that:

On the question of fallen stock, Mr Maclean said that according to a survey conducted by the Meat and Livestock Commission, 175,000 tonnes of the animal waste which went into meat and bone meal, (10% of the total) was derived from knackeries. 1233

4.237 On 25 June 1991 Mr Hutchins distributed a summary of returns from the latest SVS visits to knackeries and hunt kennels. It reflected a similar situation to that described previously with ‘few developments since the last report’. He noted there was some evidence of slight reductions in disposal cost. Disposal of SBO was recorded as upwards of £70 per tonne while other offal and waste was £50 per tonne. Again there was no comment on the handling of SBO materials. 1234

4.238 By the following month, Mr Simmons had succeeded Mr Hutchins as the SVO in the Meat Hygiene Veterinary Section with responsibility for red meat premises. He prepared and distributed the next monthly summary of returns from knacker’s yards and hunt kennels on 23 July. A difference in disposal cost between SBO and other waste material was recorded. Mr Simmons also noted that the impending ban on the use of meal produced from SBO as fertiliser was likely to have significant consequences on Orkney, as this was the only outlet on the Islands. Nothing was said about the handling of SBO material. 1235

AHC 91/55 is issued

4.239 AHC 91/55 was issued on 26 July 1991. Whilst the circular was headed ‘Bovine Offal (Prohibition) Regulations 1989’, it did not expressly refer to SBO within the main document. The AHC did, however, enclose a new pro forma report for knacker’s yards and hunt kennels. It expressly required details on the handling, storage and disposal procedures for SBO, as well as the destination of SBO and the costs of its disposal. 1236

4.240 Mr Simmons’s August summary did not provide any information on how knacker’s yards or hunt kennels were dealing with SBO. It did note, however, that in one area small throughput premises were being charged £200 per tonne for loads of SBO. He set out that disposal of SBO was costing between £40 and £200 per tonne while other waste and offal disposal was costing between £40 and £120 per tonne. Familiarity with the 1982 MSSR in most divisions was considered satisfactory. Where this was not the case, staff were liaising with local authority officials to remedy the situation. It was reported that some hunt kennels were purchasing raw carcass meat from knackers in contravention of those Regulations and that this had been brought to the attention of the relevant local authorities. 1237

4.241 The summary of returns on knacker’s yards and hunt kennels that followed, on 27 September 1991, contained no information on how SBO was being dealt with or charges for its disposal. 1238
4.242 The BSE Order 1991 came into force on 6 November 1991 (see paragraph 4.191 above). It amended the definition of SBO to include SBO derived from fallen stock. Thus SBO material collected from fallen animals by knacker’s yards and hunt kennels was now also subject to the animal SBO ban and could no longer be legally incorporated in animal feeds.1239

4.243 In the summary for October, which was distributed on 12 November 1991, Mr Simmons reported that ‘the costs for SBO remain high and may be increasing slightly’. There was, however, no information on the handling of SBO material. Mr Simmons noted that whilst a ‘few reports of non-compliance’ with the 1982 MSSR were received every month, ‘in the main these are resolved after reminders to the local authorities’. However, he said that ‘one or two’ local authorities seemed ‘reluctant to devote any effort to resolve persistent non-compliance’.1240

4.244 Mr Meldrum pursued this last aspect of the summary in a minute to Mr Crawford dated 14 November 1991. He stated that it would be wise to ‘identify the Local Authorities that seem reluctant to devote any effort to resolve persistent non-compliance and to rectify it through the appropriate RVO’.1241

4.245 In the summary of returns distributed on 4 December, Mr Simmons recorded that there were ‘no significant changes in charges for the collection of carcasses or the disposal of SBO or other waste’.1242

4.246 The first of Mr Simmons’s reports for 1992 was circulated on 13 January. It noted that the cost of disposal of SBO had fallen by about £20 per tonne, but that some smaller yards were experiencing delays in the collection of SBO by renderers, thus leading to build-up of the material in busy periods. It stated that a diminishing number of reports of non-compliance with the 1982 MSSR were being received every month. Mr Simmons stated that, in the main, these were resolved after reminders to the local authorities. SVS staff, in association with local authorities, were actively engaged in resolving the few outstanding problems. Nothing was said about compliance with the SBO regulations.1243

4.247 Continuing reduction in the costs of waste disposal was reported in the summary circulated on 31 January 1991. Mr Simmons also reported on the closure of a knacker’s yard situated adjacent to a domestic slaughterhouse. The same person owned both the knacker’s yard and the slaughterhouse. Mr Simmons surmised that the closure was ‘not unconnected’ to the forthcoming prosecution of the owner for diverting unfit meat to the slaughterhouse. There were no comments on compliance with the SBO regulations.1244

4.248 Summaries of returns circulated in March,1245 May,1246 July,1247 and August1248 1992 recorded a gradual decrease in the cost to knackers of disposing of both SBO and non-SBO waste. Some renderers even offered free collection of SBO waste to ensure customer loyalty. The returns also commented on the level of

1239 L2 tab 7 article 4
1240 YB91/11.12/1.1
1241 YB91/11.14/4.1
1242 YB91/12.4/1.2
1243 YB92/1.32/5.1
1244 YB92/3.05/4.1; YB92/3.30/1.1–1.2
1245 YB92/5.13/2.1
1246 YB92/7.30/2.1
1247 YB92/8.19/1.1–1.2
compliance with the 1982 MSSR but did not discuss the treatment of SBO by knacker’s yards and hunt kennels.

4.249 Although the summary of returns gave no indication of the monitoring of the handling of SBO in knacker’s yards and hunt kennels, a minute in September 1992 from Mr R J Lawrence, a Veterinary Officer in Lincoln, to Mr Townsend, Animal Health (Disease Control) Division, indicated that some SBO monitoring was taking place at hunt kennels. He noted that recent visits to all hunt kennels in the Lincolnshire Division had uncovered a failure by the hunts to comply with both the SBO regulations and the 1982 MSSR. Mr Lawrence recorded that the main areas of deficiency uncovered ‘were the failure to separate Specified Bovine Offals, failure to store in adequately lidded, sealed and lockable containers and failure to move with correct permits’. 1249

4.250 In his summary of returns dated 19 October 1992, Mr Simmons noted a fall in the cost of disposal of SBO and a ‘gradual improvement in the lot of the knacker and little recently of contention’. He therefore suggested decreasing the frequency of visits to bi-monthly or quarterly. He did not comment on compliance with the SBO regulations. 1250

4.251 On 9 December 1992, MAFF issued AHC 92/147 to all veterinary staff. This circular dealt with the handling of animal waste at knacker’s yards and hunt kennels. The circular confirmed that the frequency of visits and returns for knackers and hunt kennels was to be reduced from monthly to every two months with effect from 1 January 1993. It also stated that AHOs could carry out the visits. 1251

4.252 Reports prepared by Mr Simmons in December 1992 provided no details of the handling of SBO by knacker’s yards and hunt kennels. 1252

1993 – A new system of monitoring: Mr Simmons’s ‘cradle to grave’ approach

4.253 In his summary of returns on rendering plants and collection centres dated 16 December 1992, Mr Simmons recorded his concern that MAFF Headquarters was not ‘gaining a complete picture of SBO disposal’. 1253 In particular, Mr Simmons was concerned that the information in the returns did not ‘provide a complete picture of the handling and ultimate disposal of SBO, ie. from “cradle to grave”’. He proposed that new instructions should be issued to SVS staff in the field, calling for returns every two months, to cover the handling of SBO in the slaughterhouse through to the licensed disposal of SBO-derived protein. This ‘cradle to grave’ approach would enable the ultimate destination of SBO-derived protein to be determined:

In my opinion, such an instruction would not add to the workload of field staff as the information is already available from routine visits made for the purposes of AHC 91/9 (every two months), sampling under the Protein

1249 YB92/10.26/3.1
1250 YB92/10.19/3.1–3.2
1251 YB92/12.09/1.1
1252 YB92/12.11/2.1–2.2
1253 YB92/12.16/3.1–3.4
Animal [Processing] Order (20 days sampling/year) or slaughterhouse visits (it is proposed to visit at least quarterly from 1 January 1993). In any case, field staff are under instruction to check on SBO handling whilst making unannounced visits to slaughterhouses (AHC 91/61) and to issue licenses under Article 9 of the BSE Order 1991 (AHC 92/94).  

4.254 Mr Crawford said in oral evidence to the Inquiry:

We were getting the information on the various parts of the chain, but this I think was the first time that it was suggested that we should have a unified report, so that was overlaid with the other reports we were receiving.  

4.255 Mr Simmons’ suggestions were implemented by AHC 93/32, distributed to all RVOs and DVOs on 14 April 1993. The circular stated that reports generated by the AHCs, while providing valuable information, did not provide a complete picture of the collection, handling and disposal of SBO from the slaughterhouse through to ultimate disposal. A new pro forma (Form MH6) had been produced, to extend the scope of the return to cover all aspects of SBO handling from the slaughterhouse to final disposal by the renderer. Form MH6 consisted of a separate page for each of ‘slaughterhouses’, ‘collecting centres’, ‘rendering plants’ and ‘disposal of protein derived from SBO’. It sought details of failures by slaughterhouses to meet SBO controls, including confirmation that SBO was adequately separated from other material during transport from the slaughterhouse. It also required specification of the destination of the SBO. For collection centres, Form MH6 required details of how SBO was stored, confirmation that it was separated from other material in a satisfactory fashion and details of the destination of the SBO. For rendering plants, Form MH6 required details of any non-compliance with the renderers’ Code of Practice. It also required details of the use of any tallow produced. Details of the destination of any protein derived from SBO were also required.  

Monitoring in slaughterhouses, collection centres and rendering plants under the ‘cradle to grave’ approach

4.256 The first summary of returns produced pursuant to AHC 93/32 on the handling and disposal of SBO from ‘cradle to grave’ was circulated within MAFF by Mr Simmons on 7 July 1993. The report stated that of the 320 slaughterhouses visited during the period, all were complying with the Bovine Offal (Prohibition) Regulations 1989 and that separation of SBO was reported as satisfactory. In respect of collection centres, separation of SBO and other waste was reported as satisfactory in all but one plant. All of the rendering plants that handled SBO were complying with the relevant Code of Practice, except for one, where there was ‘some leakage of effluent between SBO and other waste’. In that case, ‘improvements’ were planned to rectify the situation.  

4.257 Mr Simmons produced the second summary of the ‘cradle to grave’ returns on 5 October 1993. Mr Simmons said that, in general, returns indicated satisfactory practices at all stages. Of the 342 slaughterhouses visited, all but four were complying with the Bovine Offal (Prohibition) Regulations 1989. The

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1254 YB92/12.16/3.2
1255 T125 p. 106
1256 M42 tab 15
1257 YB93/7.07/3.1
infringements were described as being of ‘a minor nature (eg. failure to stain all SBO [or] failure to identify SBO bins satisfactorily)’. In all cases, local authorities were said to have taken remedial action once the problems were brought to their attention. Separation of SBO from other material during transport from the slaughterhouse was said to be satisfactory.  

4.258 On 7 December 1993 Mr Simmons again reported on the collection, handling and disposal of SBO. Mr Simmons stated that the returns indicated that, in general, practices were satisfactory at all stages. All but one of the 300 or so slaughterhouses visited were reportedly complying with the Regulations. The infringement reported was in a small slaughterhouse, where two bovine heads were found in a bin of ‘other waste’. The local authority took immediate remedial action once the problem was brought to its attention. Separation of SBO from other material during transport from the slaughterhouse was reported as satisfactory. In all but one of the collection centres, separation of SBO from other waste was reported as satisfactory. A temporary delay in onward consignment of material meant a risk of comminglement of ‘other wastes and SBO’. This had been resolved at the time of writing. All but one of the rendering plants handling SBO were reported to be complying with the Code of Practice. The one problem plant, which had previously been cited for leakage of SBO into other material, had been granted planning consent to build a wall that would ensure complete separation of unprocessed SBO from other waste. Construction had begun. The reports recorded that all tallow produced from SBO, other than a small amount that was incinerated, was sold to brokers.

Monitoring of knacker’s yards and hunt kennels from January 1993

4.259 Four reports were prepared by Mr Simmons on the handling of animal waste at knackers and hunts pursuant to AHC 92/147 from April to December 1993. The reports recorded that the cost of disposal of SBO from knackers and hunts had stabilised at between £0 and £90 per tonne. The reports did not provide any details of the handling of SBO at these premises. No further returns from SVS visits to knacker’s yards or hunt kennels are available from December 1993.

Other developments in 1993

The use of SBO-derived tallow in animal feed

4.260 Following the advice from SEAC, in October 1992, that the use of tallow derived from SBO material should be banned in animal feed (see paragraph 4.208 above), an initial submission to implement this recommendation was put to Mr Nicholas Soames, Parliamentary Secretary (Commons), on 25 February 1993. The submission covered both the inclusion of tallow generally and SBO-derived tallow in particular. It recommended that Ministers ban the use of all material derived from SBOs in animal feed. At that time, the animal SBO ban prevented the inclusion of SBOs and protein derived from SBOs in animal feed.  

1258 YB93/10.05/2.1
1259 YB93/12.07/1.1–1.2
1260 YB93/4.19/1.1; YB93/7.08/1.1; YB93/10.05/1.1; YB93/12.7/2.1
1261 YB93/2.25/1.1
1262 BSE Order 1991, art 12(1)(a) and (b) (L2 tab 7)
Accordingly, it was legally possible for non-proteinaceous material derived from SBO to be included in animal feed.

4.261 At a meeting with Mr Soames on 23 March 1993, officials outlined SEAC’s recommendation that tallow from SBOs should be excluded from animal feed. It was proposed to achieve this through an amendment to the Bovine Spongiform Encephalopathy Order 1991 banning the use of all material derived from SBOs in animal feed. Mr Soames agreed that this was ‘totally defensible and a prudent course of action to take’.1263

4.262 On 29 July 1993 Mr Martin Haddon, Head of the Animal Health and Veterinary Group, sought Mr Soames’ agreement to the implementation arrangements for the proposed amendment. Mr Haddon noted that the amendment to exclude SBO-derived tallow from animal feed required notification to the EC Commission, which necessitated an ‘obligatory minimum standstill period’.1264 A manuscript note on this submission dated 2 August 1993 records that Mr Soames was content with the recommendations made.1265

4.263 On 9 November 1993, MAFF issued a consultation letter to industry organisations about the proposed Miscellaneous Amendments Order.1266

4.264 UKRA held a council meeting on 15 December 1993 to discuss the situation on SBO and the proposed legislation. Minutes of the meeting record that:

... initially there was no adverse reaction to the draft in the last two weeks, two UK Brokers were now asking for guarantees that the tallow to be supplied did not originate from SBO material.1267

4.265 The issue of SBO-derived tallow was considered in the more general context of problems with SBOs. Discussion turned to consideration of a ‘discussion note on the situation re: S.B.O.’ which had been prepared for the meeting. The note set out the issues for discussion and possible options to address the problems:

Problem – SBO regs not working? Renderers not sure if materials are SBO or not. Regulation of input and output etc is voluntary. MAFF do not seem concerned or bother to enforce. Why? Ruminant recycling ban – this is main safeguard say MAFF.1268

4.266 Mr Stephen Woodgate, formerly of Prosper De Mulder (PDM), when asked in oral evidence whether the second paragraph of this minute represented his views at the time, said:

... my feelings were that MAFF felt that [the SBO ban] was lower down the list of key issues; the top, key issue, was ruminant recycling ban in the prevention of BSE. The SBO ban was something, I believe, they felt was sort of important but, at the time, I do not think they really understood or realised how important SBOs were.1269

1263 YB93/3.23/1.1
1264 YB93/7.29/1.3–1.4
1265 YB93/7.29/1.1
1266 YB93/11.9/3.1–3.2
1267 YB93/12.15/3.3 para. 6
1268 YB93/12.15/5.1
1269 T60 pp. 127–8
4.267 The note continued:

Options.

... 

(d) . . . it is effectively impossible for renderers to guarantee 100% segregation, particularly if not done effectively at abattoir. 1270

4.268 Mr Gary Seymour, an assistant County Trading Standards Officer in Lincolnshire since 1990, said in oral evidence to the Inquiry:

. . . it would be unreasonable to expect the rendering plant to sort through material coming into the plant to check whether there was SBO in it. It really had to be done earlier than that. 1271

4.269 It was agreed at the meeting that ‘Renderers could not be, and should not [be] held to be, responsible for determining what was or was not SBO material’ and that a meeting should be arranged with Mrs Gillian Shephard, 1272 the new Minister of Agriculture, to discuss the issue ‘at the earliest possible time’. 1273

4.270 In a statement to the Inquiry, Mr Meldrum noted:

Some of the responses received from the industry raised concerns about failures by renderers to dispose of SBOs properly and that tallow produced from SBO might be finding its way into the human food chain. Meetings were set up with the industry to discuss these concerns, one with the feed fat industry on 18th January 1994 and another with UKRA on 21st January 1994. 1274

4.271 Following these two meetings and problems brought to light by the industry on the use of SBO-derived tallow in animal feed, 1275 the matter was reconsidered by SEAC at its meetings in 1994. See paragraphs 4.204–4.208 below and vol. 11: Scientists after Southwood.

Reports from industry: ‘things are not as they should be’

4.272 Despite the encouraging reports from the SVS under the new system of returns, MAFF continued to receive reports of non-compliance. In oral evidence to the Inquiry Mr Meldrum explained the problem MAFF faced in receiving such varying reports from different sources:

. . . I was receiving information from trade sources, from the field, that things were not as they should be…We had to work on the basis of the information we received, be it formally from audit or informally from information I received. 1276

1270 YB93/12.15/5.1
1271 T64 p. 129
1272 Mrs Shephard succeeded Mr Gummer as Minister in May 1993
1273 YB93/12.15/3.3–3.4 para. 6
1274 S184A Meldrum para. F101
1275 YB94/1.00/6.1; YB94/1.21/4.1
1276 T132 pp. 88–9
4.273 Mr Meldrum endeavoured to explain the source of the problem:

What was going wrong, quite clearly, was there was not the degree of supervision of – not separation but staining of this material that we would have liked. When you are carrying out spot checks, whilst the responsibility lies elsewhere, with local authorities, you are reliant upon the slaughterhouse owner to comply, the local authority to keep an eye on what is going on and to ensure separation and staining; and then the spot checks that we would do from time to time. Now, I do not know now what else I could have done at the time to have changed that situation, because it was a structural problem, relating to the structure of the industry and local authority involvement.1277

4.274 Mr Crawford also explained that despite the positive tenor of the SVS returns, MAFF was receiving less encouraging reports from industry sources:

Reports were becoming more regular from sources that there was a problem. For what reason I am not sure. I cannot believe that there was one particular reason for it . . . The information I was given was from extremely reliable sources…The allegations were that material was arriving at the renderers unstained, so we were going to look at those points. If the SBOs were not being stained in the abattoirs, then they would arrive at the renderers unstained, so obviously if we went to the renderers, we would see whether anything was arriving from abattoirs.1278

Developments in 1994

4.275 Failure to stain SBO was not the only problem reported. On 19 January 1994 Mr Simmons minuted Mr Baker regarding further allegations that SBO had been disposed of incorrectly at two slaughterhouses. Whilst visits to the relevant slaughterhouses had failed to confirm the allegations, Mr Simmons stated:

If we continue to receive criticism about SBO disposal we may have to review our surveillance. For example, we could initiate an audit of weight of SBO noted on the movement permit, compared with the weight of SBO that would be expected to be produced from the kill period under investigation. However, this is likely to meet some resistance from LAs.1279

4.276 Mr Simmons’ minute was copied to Dr Matthews who, on 20 January 1994, responded with the following suggestion:

I think we should audit records at the renderers, however, compare total input of raw material in January 1994 versus January 1993 for example, and relate to output of finished SBO meat and bone meal for disposal – this would not require LA involvement.1280

4.277 These concerns prompted further action from MAFF. Mr Meldrum noted in his statement that:

1277 T132 pp. 91–2
1278 T125 pp. 113–14
1279 YB94/1.19/1.1
1280 YB94/1.19/1.1
As a result of the concerns that had been raised by the industry since the issue of the consultation letter in November 1993, and following reports from UKRA that SBOs were arriving at renderers unstained, Mr Crawford issued a minute dated 1 February 1994 to all RVOs in England, Scotland and Wales . . .1281

4.278 Mr Crawford advised the RVOs:

As you know, there is a requirement for staff to make regular visits to abattoirs and processing plants to review arrangements for the safe separation, handling and disposal of specified bovine offal.

It seems that some of our staff are giving advance notice of intended visits to plants. Obviously this allows the operator to ensure that, at the time of the visit, everything is being done that should be done. We are aware that there are deficiencies which need to be addressed and may have been missed by some of our staff in the course of their routine visits. For example, we have been informed by UKRA (United Kingdom Renderers Association) that SBOs arrive unstained at processing plants. We have also been informed that, although SBOs are placed in separate bins at the abattoir, the bins are not marked. This matters little if the whole of the consignment on a vehicle is delivered to a plant which only handles SBOs. Where it processes a mixture of product, there is the potential for SBOs being processed with other material.

Because of this concern, it has been decided that all plants processing specified bovine offal should be visited during the month of February, unannounced, and a full and detailed report provided. All reports should be submitted to Mr Simmons . . . by Friday, 11 March at the latest. Meat hygiene VOs should also be reminded of the need to review arrangements for the separation of SBOs in abattoirs, any deficiencies brought to the notice of operators and a report submitted to Mr Simmons . . .1282

4.279 Mr Crawford explained in oral evidence that the reason why these instructions were limited to rendering plants processing SBO was that:

The allegations were that material was arriving at the renderers unstained, so we were going to look at those points. If the SBOs were not being stained in the abattoirs, then they would arrive at the renderers unstained, so obviously if we went to the renderers, we would see whether anything was arriving from abattoirs.1283

4.280 Mrs Brown said in a statement to the Inquiry:

In considering the need to intensify the level of monitoring we did not rely solely on the results of the visits carried out by SVS field staff which were reassuring. Rather we took account of all the information reaching us from external sources, some of which suggested that there was a need to probe more deeply.1284

1281 S184A Meldrum para. F102
1282 YB94/2.01/2.1–2.2
1283 T125 p. 114
1284 S79B Brown para. 4
4.281 On 7 March 1994 Mr Andrew Scott of E D & F Man Ltd, whose operations included the supply of vegetable oils and fats to the animal feed industry, wrote to Mr Soames. He highlighted the financial incentive for slaughterhouses to flout the Regulations: they had to pay for the removal of SBO, but were still paid by renderers for non-SBO material, the difference to their income being £200 per tonne. Mr Scott stated that MBM from banned offal was still finding its way into animal feed.1285

4.282 On 22 March 1994 Mr Soames replied to Mr Scott explaining the Government’s policies in relation to BSE. Mr Soames explained the measures put in place to deal with BSE and drew a clear distinction between measures taken to protect animal health and those to protect human health. Mr Soames stated the Ministry’s ‘strong commitment to the maintenance of strict measures where BSE is concerned.’ He added:

I view with the utmost seriousness your allegation that some in the trade are not complying with the rules, and that material which should be going to landfill is entering the food chain. I am grateful to you for bringing these concerns to my attention, and am anxious that they should be properly investigated.1286

4.283 In respect of the use of tallow, Mr Soames stated:

It is true that tallow can be used for animal feed. This is because the Spongiform Encephalopathy Advisory Committee (SEAC) took the view that the infective agent would fractionate with the protein rather than the fat fraction in the rendering process. More recently the Committee concluded that it would make sense to align the rules about the use of SBOs for animal feed with those relating to human consumption, and ban the feeding of all material derived from them to any species. However, this would primarily be as a precautionary measure and not because of any major and significant disease risk.1287

4.284 On 28 March 1994 Mr Scott wrote again to Mr Soames enclosing a copy of a letter from Mr David Howells of FF-Man Feed Products (a subsidiary of E D & F Man Ltd).1288 With regard to the abuse of SBO regulations, Mr Howells’s letter said:

The evidence for the abuse is by implication only in that the tonnages of SBO by-products do not reconcile with theoretical prediction. That there is scope for abuse was self-evident in that:

a. The infected offals are not being permanently stained under Ministry supervision.

b. SBO and non-SBO materials are transported on the same vehicles.

c. SBO and non-SBO materials are processed through the same plant.

d. SBO tallow is currently not governed by movement order legislation.

1285 YB94/3.07/3.1–3.2
1286 YB94/3.22/3.3
1287 YB94/3.22/3.3
1288 YB94/3.28/2.1
292

e. SBO tallows and non-SBO tallows are processed on the same oleochemical plant.

f. Tank bottoms from the oleochemical industry contained significant percentages of SBO protein and are disposed of without a licence.

In many of the above operations there is a substantial difference in price between the SBO product and non-SBO product. In the circumstances, it is not surprising that there is an apparent discrepancy between theoretical and actual tonnages of SBO products. It would seem more appropriate to query whether there is evidence that the tonnages of SBO derived meat and bone meal, and tallow, match the theoretical predictions.\textsuperscript{1289}

\textbf{4.285} Mr Soames replied on 21 April 1994. He emphasised that MAFF was not ‘deliberately ignoring problems about the disposal of SBO material’ and invited Mr Scott or Mr Howells to discuss any detailed information they might have with MAFF officials.\textsuperscript{1290} The exchange ended with a further letter from Mr Scott saying that he had asked Mr Howells to make contact with MAFF officials and pass on any ‘positive evidence’ he came across.\textsuperscript{1291} We have not been able to find any record of further contact between Mr Howells and MAFF officials.

\textbf{Mr Simmons’s summary of the ‘February visits’}

\textbf{4.286} Meanwhile, on 23 February 1994, Mr Meldrum wrote to Mr K Taylor:

\begin{quote}
I would be grateful if you could let me know, as a matter of some urgency, as to what progress has been made in recent weeks by DVOs who have been asked to pay particular attention to the disposal of SBOs. I am becoming increasingly concerned that some of the provisions of our legislation are being circumvented.\textsuperscript{1292}
\end{quote}

\textbf{4.287} At that time, SVS staff were undertaking unannounced visits to all plants processing SBO and to slaughterhouses in accordance with Mr Crawford’s directions of 1 February 1994. The ‘full and detailed’ reports of these visits were to be submitted to Mr Simmons by 11 March 1994. On 25 March 1994 Mr Simmons delivered a summary of what had been found:

\begin{quote}
[Past] reports have indicated that, in general, compliance is satisfactory. However, visits to slaughterhouses and rendering plants are made by appointment. Recent anecdotal reports and an increasing number of allegations suggest, that at various points in the disposal process, SBO is diverted and may find its way into animal feedstuffs
\end{quote}

Reports from Divisions: summary of findings

1. In general, SBO is removed from carcasses correctly.
2. Compliance with staining requirements is patchy. In particular, intestines are frequently not stained.

3. Separation of SBO from ‘other waste’ in the slaughterhouse is generally adequate. This is generally achieved by the use of marked or colour-coded bins.

4. There is evidence that separation of SBO from ‘other waste’ is not always maintained after leaving the slaughterhouse. For example, despite apparent arrangements to preclude mixing, ‘other waste’ is, on occasion, transported to the rendering plant in the same container as SBO. On occasion, SBO and ‘other waste’ are mixed during collection from the slaughterhouse.

5. There is evidence that some local authorities are not sufficiently diligent in controlling movements. For example:

- Incorrect type of movement permit issued
- Movement permits are not reconciled with originals after completion of movement
- Incorrect destination on permit
- Poor control over movements of SBO/heads from head boning plants

6. In some cases, all four copies of the movement permit were transferred together thereby preventing reconciliation

7. At collection centres, separation is generally adequate but it is accepted that determining the constituents of the stored material is almost impossible and has to be based on trust.

8. At rendering plants, compliance with the Code of Practice was considered to be generally satisfactory. Again the operators must take the stated constituents largely on trust. There were a few reports of poor separation and inadequate identification of stored material awaiting processing.

4.288 Mr Simmons’s conclusions were in contrast to his generally positive summaries of previous SVS returns:

It is likely that a small but significant proportion of the total amount of SBO processed, as a result of being inadequately separated and/or identified (from other waste destined for rendering) at either the slaughterhouse, in transit or at the rendering plant, finds its way into supplies of processed protein and is incorporated into animal feedstuffs. Inadequate separation from ‘other waste’ during storage, transportation and processing represents perhaps the greatest hazard. However, the current monitoring by the SVS is insufficient to confirm this. More formal monitoring, such as weight checks at slaughterhouses, head boning plants and rendering plants, is recommended. However, the introduction of further monitoring needs careful handling since LAs are the enforcement body and it may be perceived as criticism of
their efforts. It is concluded that to ensure separation at all stages we may have to resort to statute.

Deficiencies in local authority enforcement have been identified. A centrally produced reminder to LAs and representative bodies may serve to underline our concern. However, it is clear that some LAs see the legislation as merely an exercise in removal of SBO from carcasses and preventing its use for human foodstuffs. Involving LAs in the enforcement of separation of material from thereon should be considered.

One must question the wisdom of using rendering plants for the disposal of potentially hazardous material in the light of recent evidence on the efficiency of the rendering process in reducing infectivity . . .

4.289 Mr Simmons made a series of recommendations, including the immediate issue of a further AHC requiring regular and specific checks on:

the consignment of SBO from slaughterhouses;

the consignment of SBO from bovine head boning plants;

the separation of SBO in transit from slaughterhouses to rendering plants; and

at rendering plants, the yield of SBO-derived protein compared to the amounts of unprocessed material received.

4.290 Mr Simmons prepared a draft AHC for this purpose. He also recommended that District Councils be reminded of their enforcement role and, in particular, the need for frequent checks on the removal of SBO from the carcass, correct staining of SBO and tight controls over movements. He further recommended that the fresh meat and rendering industries be reminded of their responsibilities and obligations.

4.291 In a statement to the Inquiry Mr Crawford said:

Throughout the period up to April 1994, there was extensive monitoring and analysis of how the Regulations were being applied in practice. I received regular reports of the situation in the field, and where problems were identified, I was satisfied that staff dealt with them appropriately. I also regularly analysed the application of the Regulations in practice, as far as I was able. When I thought changes needed to be made, I issued the necessary instructions to the staff of the VFS, either of my own volition, or following discussion with policy-making colleagues.

The review of the Regulations was, as has been described above, a gradual process, based on the accumulation of information. Until 1994, VFS staff were not reporting any major problems with enforcement. Where improvements could be made, they were . . .
... it is my belief that the Regulations were analysed, monitored and reviewed by regular instructions to the VFS, and by regular visits to slaughterhouses, knacker’s yards and hunt kennels by VFS staff. In order to justify legislative changes to the Regulations, real evidence was needed from the VFS visits that there were serious problems with the enforcement of the Regulations. No serious problems were being reported between 1990 and 1994. Despite this, we were not complacent about monitoring the Regulations.\textsuperscript{1297}

**Realisation of the importance of the animal SBO ban**

4.292 Mr Simmons’s finding that ‘a small but significant’ proportion of SBO was finding its way into animal feed provoked a flurry of activity within MAFF. Measures for more effective monitoring of the animal SBO ban that had been proposed and rejected previously now came under renewed consideration. The remainder of 1994 saw MAFF devoting increased attention to the enforcement of the animal SBO ban. Whilst Mr Simmons’s report was timely in this respect, it was not the sole reason for this change of attitude. As the year progressed, the importance of the animal SBO ban and its integrity came sharply into focus as a result of a number of other developments. These developments, described below, form the background to the action taken by MAFF in relation to the animal SBO ban from this time. They are discussed in greater detail in Chapter 2.

**Growing concern about BABs**

4.293 The first case of BSE in an animal born after the introduction of the ruminant feed ban (BAB) on 18 July 1988 was not confirmed until March 1991. This BAB case was investigated by MAFF largely to discover whether it provided evidence that the disease might have been passed from dam to calf (maternal transmission). It was quickly followed by further cases and it was concluded that the most likely explanation for the majority of BABs was that they had been fed contaminated feed. By September 1992, within 18 months of the first identified BAB in March 1991, the number of confirmed BABs had risen to 220.\textsuperscript{1298} A year later, in September 1993, the total had reached 4,010. By August 1994, the first cases born after the introduction of the animal SBO ban were confirmed,\textsuperscript{1299} and by September 1994 the total number of BABs had reached 12,860.\textsuperscript{1300}

4.294 Reports in February 1993 indicated that 73 animals born in 1990 were suspected of having BSE, some of which were likely to have been born after the introduction of the animal SBO ban. It was noted that, while the majority of cases were likely to have been fed cattle feed containing ruminant protein manufactured before the introduction of the RFB in July 1988, it was also possible that they had consumed feed intended for other species which could until September 1990 legally have contained SBO.\textsuperscript{1301} This appears to be the first time that consideration was given to the possibility that SBO incorporated in feed for non-ruminant animals was also a potential source of infection for cattle.

\textsuperscript{1297} S84A Crawford paras 22–4
\textsuperscript{1298} YB92/9.18/1.1–1.2
\textsuperscript{1299} YB94/8.17/2.3
\textsuperscript{1300} YB94/9.21/1.1–1.4
\textsuperscript{1301} YB93/3.92/1–2.2
4.295 By early 1994 concern was expressed about the number of BABs and their possible effect on the management of the disease and predictions for its eradication. On 2 February 1994 Mr Ray Bradley, the CVL BSE research coordinator, minuted Mr K Taylor regarding the policing of BSE controls. Mr Bradley wrote:

I, amongst others, have stressed the importance of ensuring that these controls are being effectively policed with particular respect to ruminant feed (RF) ban and the SBO ban. It has always been important to do this but any deficits will be more plainly revealed for all to see in the next few years and there could be serious financial implications re compensation and disposal, not to mention drains on veterinary resources.1302

4.296 With particular reference to the SBO controls, Mr Bradley continued:

Hearsay reports have suggested that SBO and other offals are not as well separated as they might be . . .

. . .

I believe we are both of the opinion that whilst the [ruminant feed] ban was effective, though not completely so, after 18 July 1988 any infected [ruminant feed] getting through would be stopped by the SBO ban two and a bit years later. If the SBO ban itself is being abused then there is a weakness in this argument . . . It is therefore absolutely essential that effective audits are carried out and policing is continuous and sound and is seen to be so by the publication of results where this is appropriate . . . 1303

4.297 He concluded by saying:

I believe we have to quickly and effectively reassess and if necessary, improve the policing of the controls both via MAFF and the local authorities. Any trickle of infected [ruminant feed] into the cattle feed chain could result in an unfortunate plateau of confirmed BSE cases in a couple of years which will be hard to deal with and may even prevent export of live breeding cattle, or reintroducing a ban if we are successful at having it lifted this year.1304

4.298 On 29 May 1994 Mr Bradley raised these concerns directly with Mr Meldrum. He reported:

There is hearsay evidence that the SBO ban is being abused, particularly by skulls (with brains inside) entering rendering plants with non-SBO offals . . . Even if abuse is happening it would not be of tremendous animal health importance unless MBM derived from the SBO was diverted into cattle feed since non-ruminants so far have not succumbed to [BSE] naturally or experimentally. This does not mean it is ‘alright’ since it is contrary to SEAC advice and the law.

It seems imperative that the RFB is completely enforced by the power of law. If we do not ensure it is watertight we will pay for it with continuing BSE confirmations in 4–5 years time and it may jeopardise live cattle exports if
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we successfully get these re-instated. Testing feed is one way this could be done and there seems to have been an inordinate delay in getting this established. 1305

4.299 Mr Bradley’s concerns were shared by Mr Meldrum. He explained in a statement to the Inquiry that from late 1993 onwards:

It was about this time that I was becoming increasingly uncomfortable about the number of BABs that were being confirmed and the possibility that BSE infectivity was present in meat and bone meal intended for feeding to pigs and poultry and was finding its way into cattle rations. 1306

4.300 For a more detailed consideration of the monitoring and enforcement of the ruminant feed ban see Chapter 2 of this volume.

Study of the effect of rendering on BSE infectivity

4.301 Another development during this time which was to influence the action taken by MAFF on the monitoring and enforcement of the animal SBO ban was the results of a rendering study. The study to determine the effectiveness of various rendering processes on the inactivation of the BSE agent was established in November 1990 with joint funding by the UK Government, the European Commission and the European Renderers Association. On 21 March 1994 Mr Meldrum briefed Mr Soames on the preliminary results of these experiments. The submission was also copied to Mrs Shephard and Mr Packer among others:

The first phase of the project studied BSE. The bioassays have not yet reached an end point, so it cannot yet be concluded that any system provides effective inactivation. It is, however, already clear that the three systems which collectively provide most of the British rendering capacity do not provide effective inactivation – in fact it appears that only two plants are satisfactory and this would represent less than 20% of total red meat rendering capacity. At least one of the three systems appears to have had no detectable effect on the amount of infective agent present. This is particularly worrying because these three plants process a significant volume of product and are only used in the UK and USA.

The results support the hypothesis that BSE was caused by the presence of the agent in animal protein which was fed to cattle and underline the wisdom of the measures which have been implemented since July 1988 to prevent ruminant derived protein being fed to ruminant animals. 1307

It continued:

. . . we should recall that meat and bone meal produced in the United Kingdom would not contain material derived from the specified bovine offals which are, in effect, destroyed.

1305 YB94/5.28/2.1
1306 S184A Meldrum para. E103
1307 YB94/3.21/1.2
. . . we should ensure that these results are released in an orderly manner so that those involved are aware that there are no implications for human or indeed animal health and that no precipitate action is necessary. 1308

4.302 Mr Meldrum met with UKRA to inform them of the rendering experiment on 7 April 1994. It was recorded that:

The CVO indicated that MAFF were now aware that the ban on the use of SBO was not being fully implemented and wanted to discuss the implications with the industry particularly as it is now obvious that at least some of the rendering systems are incapable of deactivating the BSE agent. 1309

4.303 In a statement to the Inquiry, Mr Fleetwood, who at that time was a Senior Veterinary Officer in the Animal Health (Zoonoses) Division and who had management control within MAFF of the rendering study, said:

In March 1994, results began to come on-stream from the first (BSE) phase of the rendering experiment. These results provided the first direct experimental evidence that infectivity may survive some forms of rendering. In my role as study sponsor, I communicated these interim results to MAFF staff (the CVO and Mr Eddy) and to the European Commission.

These results came as no surprise. They corroborated epidemiological evidence which suggested BSE had been present in MBM, having survived the rendering process. The particular concern, shared by all those involved including the industry, was that there was now definite evidence that BSE infectivity would survive certain processes, but no evidence of what processes would eliminate it.

However, to put this into context, it is important to note that eliminating BSE infectivity through the rendering process was a second line of defence – the first being the various legislative measures to cut off recycling of infection. 1310

Recognition that as little as 1 gram of infective material was capable of transmitting BSE to cattle

4.304 In addition to the above concerns, during 1994 MAFF received the interim results of an experiment which indicated that the amount of infective material capable of transmitting BSE when administered orally to cattle was less than many had imagined. The experiment, known as the ‘attack rate experiment’, was started at the CVL in January 1992. It sought to investigate how many cattle in a group would be infected by oral inoculation with different doses of infected material. Information on how incubation period might be related to dose was studied. 1311 The experiment also aimed to look at whether attack rate and incubation period differed for single and multiple exposures. Groups of calves received oral doses of BSE-infected cattle brain homogenate (1 g, 10 g, 100 g or 3 x 100 g on successive days),
and were monitored clinically to the point at which they succumbed to the disease.\textsuperscript{1312}

4.305 It is not clear precisely when the implications of the interim results of this experiment were first conveyed by CVL to MAFF officials. Meetings were held between representative of MAFF, CVL and UKASTA in August and September 1994 at which the interim results of the attack rate experiments were discussed. These are described below at paragraphs 4.370–4.373. The implications of these results are discussed in vol. 2: *Science*.

**Response to Mr Simmons’s report**

4.306 Mr Simmons’s report of 25 March prompted Mr Meldrum to call a meeting of MAFF officials on 8 April 1994, to review arrangements for the disposal of SBO. The meeting was attended by Mr Crawford, Mr K Taylor, Mr Baker, Mr D Taylor, Mr Simmons, Mr Howard and Mrs Sadowski. Mr Meldrum explained that UKRA and sections of the animal feed industry were ‘calling for new arrangements for the disposal of SBO’. Mr Meldrum said that ‘the key was to ensure the proper enforcement of the requirement for separation of SBO from other offal at all stages’. A number of measures were proposed for tightening up the existing regime, including:

i. discussing enforcement at slaughterhouses with local authorities and publicising the rules in the slaughterhouse;

ii. reviewing the SBO movement permits system to allow cross-checks between the weight of SBO leaving slaughterhouses and arriving at rendering plants;

iii. requiring that SBO be stained with a different coloured dye (if possible, one which was heat detectable), 'so that any SBO material mixed with other material would be evident';

iv. requiring dedicated plants for rendering of SBO;

v. restricting movement of SBO to plants ‘specifically licensed to process SBO’;

vi. making the Meat Hygiene Service (MHS) responsible, when it was launched, for enforcement of the SBO regulations at the slaughterhouse; and

vii. increasing the surveillance of knackeries and hunt kennels.\textsuperscript{1313}

4.307 It was agreed that Mr Simmons would draft instructions to require the SVS to monitor SBO disposal at head-boning plants and that a submission would be put to the Parliamentary Secretary:

i. outlining why the controls on SBO disposal were being reviewed; and

ii. seeking a meeting with him to discuss possible measures that could be taken.

4.308 Mr Meldrum said in a statement to the Inquiry that:

\textsuperscript{1312} YB92/3.31/6.1 Extract of BSE Transmission Studies as at 31 March 1992

\textsuperscript{1313} YB94/4.11/1.1–1.3
300

. . . throughout the period up to April 1994 there was extensive analysis of how the SBO regulations were being applied in practice. I received regular updates on the situation in the field as reported by SVS staff and was very far from being complacent about compliance with the SBO regulations. Where problems were being identified through the SVS visits, deficiencies were followed up with advice to plant operators and notification to relevant Local Authorities. The difficulty for SVS staff was finding real evidence of problems and deficiencies. What has not been found is difficult to act on.\textsuperscript{1314}

4.309 In a statement to the Inquiry Mrs Brown recalled that:

SVS surveillance visits to slaughterhouses during this period revealed considerable variation in operational standards of hygiene and in standards of local authority enforcement of hygiene and structural requirements. I therefore found it reassuring that these visits did not reveal similar variation in standards of compliance with the SBO Regulations. It seemed to me reasonable to assume that if there were widespread failures of compliance, similar to the problems which existed in relation to hygiene and structural standards, this would have been evident from the reports of the SVS surveillance visits.\textsuperscript{1315}

4.310 On 11 April Mr Woodgate of Prosper De Mulder wrote to Mr Meldrum, offering to dedicate one of its plants in the Midlands to the rendering of SBO, should it be required.\textsuperscript{1316}

4.311 On 13 April 1994 Mr Simmons produced a plan for implementation over the following weeks, the various points of which had been discussed at the meeting on 8 April. His plan included:

i. obtaining details of all premises rendering SBO, a description of their method of separating it from other material, and an indication of whether they could dedicate one processing line or batch cooker to SBO;

ii. increasing the frequency of visits to knacker’s yards and hunt kennels to once a month, and requiring specific checks on the separation and disposal of SBO, including weight checks; and

iii. requiring further checks at rendering plants and collection centres.\textsuperscript{1317}

4.312 In relation to the last measure, the contemplated AHC would ‘introduce, for the first time, weight checks (where practicable) on the material consigned from slaughterhouses and head boning plants’. A draft prepared by Mr Simmons included guidance on the expected weight of SBO and how this could be used for checking consignments of SBO from slaughterhouses. He noted that whilst ‘not all slaughterhouses are capable of weighing consignments of SBO’, as there was already a charge for its collection ‘most premises will have some idea of the amount or weight consigned’.\textsuperscript{1318} He noted that he remained ‘somewhat uneasy about the reaction of LAs to the introduction of these checks’, since they amounted, ‘at

\textsuperscript{1314} S184E Meldrum para. H11
\textsuperscript{1315} S79C Brown para. 6
\textsuperscript{1316} YB94/4.11/4.2
\textsuperscript{1317} YB94/4.13/1.1–1.6
\textsuperscript{1318} YB94/4.13/1.1
slaughterhouses and head boning plants, to scrutiny of their enforcement effort. Mr Simmons said that enquiries on an alternative stain for SBO were continuing.

4.313 Following consideration of Mr Simmons’s plan, Mr Crawford wrote to him on 25 April 1994 suggesting:

If we are concerned to ensure the safe handling of SBOs (and to correct what is perceived to be a particular problem), two unannounced visits per year would seem to be rather infrequent. I would support more frequent visiting – say, quarterly. These could later be reduced in the light of experience.

4.314 On 28 April 1994 a further meeting was held at MAFF chaired by Mr Meldrum. It was attended by Mr Haddon, Mr Baker, Mrs Brown, Mr D Taylor, Mr Lawrence, Mr Simmons, Mr McIntosh and Miss Lowe. In relation to SBO, it was recognised that the ‘current legislation does not require the separation of SBO from other by-products at all stages’, and that the 1989 SBO Regulations did not apply to knacker’s yards. Specific points of action were proposed:

1. Mr Simmons was asked to consider urgently the possibility of using a different coloured heat resistant dye which would identify SBO, even after rendering.

ACTION: Mr Simmons

2. The possibility of requiring the use of such a dye through the Identification and Movement Control Regulations would be considered.

ACTION: Mr McIntosh

3. RMHAs would be asked to remind OVSs and AMIs of the need to keep SBOs separate from other material in the slaughterhouse and the need for tight control over movements.

ACTION: Mr Baker

4. There needs to be further consideration of the legislative loophole which allows SBO to come into contact with other by-products during transportation.

ACTION: Mrs Brown

5. Mrs Brown was asked to speak urgently to Dr Cawthorne and Mr Eddy about knacker’s yards which are not currently covered by the 1989 regulations. It is likely that an Animal Health Order will be necessary to introduce the necessary controls as the 1989 regulations are made under the Food Safety Act and therefore relate to public health.

ACTION: Mrs Brown

1319 YB94/4.13/1.2
1320 YB94/4.25/1.1–1.11
6. The CVO said that a reason for introducing an Animal Health Order would be on the basis of the inactivation studies, and to complement the provisions of the new Identification and Movement Control regulations. He also wanted SBO to be directed by LAs to plants authorised by MAFF with a dedicated line for processing SBO. Mrs Brown was asked to liaise with Dr Cawthorne and Mr Eddy about introducing regulations under the relevant parent Act.

ACTION: Mrs Brown

4.315 Although they were not present at the meeting, Mrs Brown was asked to speak to Dr Cawthorne and Mr Eddy as a matter of urgency. At the time, Dr Cawthorne was Head of Animal Health (Zoonoses) Division (AH(Z)D), with policy and operational responsibility for statutory controls under the Disease of Animals (Waste Food) Order 1973, the Processed Animal Protein Order 1989 and the Animal By-Products Order 1992. This responsibility did not extend to controls on the removal, collection, processing and disposal of SBO, but did extend to the control of by-products originating in knacker’s yards. Mr Eddy had taken over as Head of the Animal Health (Disease Control) Division in June 1993.

Meeting on 3 May 1994 decides on the way forward

4.316 On 3 May 1994 Mr Eddy chaired a meeting to:

i. discuss in detail the problems that had been identified with the separation, handling and disposal of SBO material;

ii. try to provide proposals to overcome those difficulties, including changes to secondary legislation necessary to tighten controls.

4.317 Present at the meeting were Mr Fleetwood, Mr Peter Lackenby, Mr Howard, Mr Matthews, Mr Simmons, Mr McIntosh and Mrs Sadowski. Mr Eddy later wrote that at this meeting they ‘spent a great deal of time clarifying in our own minds how the current arrangements work’. The following legislative changes for slaughterhouses were recommended for consideration:

(a) introduce new stain (green was suggested) to mark and identify ALL SBO material. Stain to be heat stable up to at least 135°C and probably higher, and to colour both protein and fat fractions (desirable but unlikely in view of other controls) after rendering;

(b) SBO to be kept separate from non-SBO unless all material is to be treated as SBO and stained as such (including green offal);

(c) permits for the movement of SBO to declare weights (or at least volume) and records required for quantities ‘in and out’ at all stages. This is likely to present problems as some premises will not have equipment for weighing or measuring volume which may necessitate declared weights/volumes from the renderers;
(d) requirement for LAs to fill in details on the permits on the movement of material out of plants and not to rely on plant operators filling them in (or verify if operator has filled in details). In 1995 the MHS will become responsible for enforcement in slaughterhouses and head boning plants and it may be more practical for this task to be devolved to them then but collection centres are likely to remain the responsibility of the 2nd tier LA;

(e) requirement to license movement of SBO only to rendering plants or incinerators specifically licensed to receive SBO (but taking account of collection centres);

(f) records to be kept by recipients to reconcile permits to a centre with actual deliveries and movements out for processing/disposal. 1325

4.318 By way of immediate action, it was also recommended that local authorities should be reminded of the need for proper separation and staining of SBO and that:

LAs to reconcile information from permits on quantities of SBO being moved particularly the regular checking that the completed SBO movement permit has been returned to them within a given period, following-up non returned permits. 1326

4.319 Knacker’s yards and hunt kennels were recognised as ‘the vulnerable point in the system of controls’. The note of the meeting set out the legislative background before concluding:

Against this background it is clear that the present and proposed new measures provide insufficient control of SBO through knacker’s yards and similar premises. It was agreed that some additional form of control is necessary and that secondary legislation is the most appropriate vehicle for this. 1327

4.320 In respect of the handling of SBO at knacker’s yards and hunt kennels, the legislative changes recommended for consideration were:

(a) requirement for the separate handling of SBO or if inadequate separation to treat all material as SBO;

(b) SBO to be stained using the new stain;

(c) permits required for all movements of both raw and sterilised SBO. Permits to specify weights etc as for changes to slaughterhouse permits . . .;

(d) SBO in green offal to be covered by the same rules as other SBO and to be sterilised or stained using ‘new stain’ for SBO, and covered by movement permits. 1328
4.321 It was also recommended that SVS visits to knackers (some unannounced) should be increased from one every two months to one per month. A draft AHC had been prepared for this purpose.

4.322 For handling of SBO at rendering plants, it was recommended that the following legislative changes be considered:

(a) require rendering plants to be licensed (or approved) to handle SBO with dedicated plants or lines within plants. All SBO treatment to be a standard which inactivates the BSE agent (or at least reduces infectivity to undetectable levels under the recent trial protocol);

(b) although there is a requirement in the licence issued under article 9 of the [Bovine Spongiform Encephalopathy Order 1991] to keep records (for 2 years) of the weight of SBO before rendering and the quantity of material derived after rendering, a separate legislative requirement for the keeping of records is necessary so that reconciliation can be carried out;

(c) we already have in train proposals to extend to tallow from SBO the ban on the use in animal feed already in force for protein meal derived from SBO. This will require an extension of the meal licensing rules to tallow. It may be simpler to introduce these changes at the same time.1329

4.323 It was also proposed to consider the effectiveness of the rendering industry Code of Practice and whether it should remain voluntary. Local authorities were to be encouraged to reconcile movement permits in order to avoid alleged problems where movement permits showed SBO movement to a plant which had never received it.

4.324 Finally, it was proposed that provision should be made for the separation of SBO from non-SBO material during transportation and for the reconciliation of specified weights of SBO moved to and from the various recognised destinations.

4.325 On 5 May 1994, two days after the meeting, Mr Simmons circulated a minute to those who attended regarding proposed changes to the controls on SBO disposal.1330 Mr Simmons said it was his belief that requiring the consignee to declare the weight or volume of SBO would be a useful start to an effective audit trail. However, he remained concerned about the practicalities of such a system, since not all premises would have equipment for weighing or measuring volumes. He suggested that it might pay to have discussions with the renderers to determine whether the system they used for charging for collection relied on weight or on volume.

4.326 Mr Simmons also explained that before a movement permit could be issued under the Bovine Offal (Prohibition) Regulations 1989, the local authority had to ensure that the proposed destination would be suitable. This applied as much to collection centres as it did to rendering plants.

4.327 On 6 May 1994 Mr Simmons sent a short note to Mr Crawford to let him know that his comments on Mr Simmons’s draft AHC had been incorporated into

1329 YB94/5.03/2.6–2.7
1330 YB94/5.05/10.1
the revised draft. Changes included an increase in the number of unannounced visits to slaughterhouses and head-boning plants from two each year to four.\textsuperscript{1331} This AHC was issued on 29 June 1994 and is described below at paragraph 4.340.

4.328 Mr Crawford replied to Mr Simmons three days later. On the need for weight checks, Mr Crawford said:

> Whilst acknowledging that comparisons between the consigned SBOs and recorded bovine kill can only be a rough guide, it would be useful to monitor this for a few months to establish whether it does provide useful information.\textsuperscript{1332}

4.329 On 17 May 1994 Mr Eddy minuted Mrs Davis and Mr Gunatilleke of MAFF’s Legal Department asking them to consider the legal problems involved in implementing the proposed legislative changes relating to the handling of SBO.\textsuperscript{1333} Mr Eddy remarked that:

> The current arrangements are complex because they involve three policy Divisions at Tolworth and operate under the Food Safety and Animal Health Acts and therefore fall to two Divisions in Legal Department. To make matters worse the animal health aspects are implemented by County Council level local authorities and the Food Safety Act aspects by the District Council tier.\textsuperscript{1334}

4.330 Mr K Taylor commented in a statement to the Inquiry in regard to this minute:

> I had long held the view . . . that the division of responsibility for SBO controls between different Divisions and Sections was a potential weakness. Despite this, I am not convinced that the issue is of much practical significance, because of the willingness of all at Tolworth to co-operate with others to ensure that the job was done, whether the legislation had been made under the Food Act or the Animal Health Act.\textsuperscript{1335}

4.331 Mr Lowson said in a statement to the Inquiry:

> I am not aware of any evidence that the way in which work was divided up between the divisions limited the effectiveness of control measures . . .\textsuperscript{1336}

4.332 Mr Capstick added:

> . . . the divisional organisation at Tolworth and at HQ did not in my mind present a major problem in the context of BSE. The arrangements in fact worked because of the industry and dedication of the staff involved.\textsuperscript{1337}

\textsuperscript{1331} YB94/5.06/1.1  
\textsuperscript{1332} YB94/5.09/2.1  
\textsuperscript{1333} YB94/5.17/1.1-1.13  
\textsuperscript{1334} YB94/5.17/1.1  
\textsuperscript{1335} S98D Taylor para. 40  
\textsuperscript{1336} S104B Lowson para. 66  
\textsuperscript{1337} S102D Capstick para. 21
Further concerns are raised by the industry

4.333 On 20 May 1994 Mr Woodgate of PDM wrote to Mr Meldrum reitering his concerns about various aspects of the SBO regulations, which he felt were ‘not working as well as they should’. Mr Woodgate cited some general examples of breaches of the rules for disposal of SBO and commented that ‘overall tightening up of all aspects of the SBO regulations’ was long overdue. He wrote:

In particular, I have personally seen bovine skulls, including brain, delivered at a rendering site for use as low risk raw material. These skulls were not stained or accompanied by a movement permit.

I have also seen a wide range of information recorded on movement permits including such descriptions as ‘BSE offals’. The movement permit also normally lacks information on weight of the (SBO) material, but may describe quantities such as ‘2 barrels’ or ‘3 skips’.  

4.334 Mr Meldrum replied on 3 June 1994. He told Mr Woodgate that he was not alone in voicing concern about the disposal of SBO and that MAFF’s own investigations had revealed a small number of cases where the system was not working as well as it should. He added that this was ‘being addressed urgently’ and that all staff had been ‘instructed to increase their vigilance and to target any perceived weaknesses in the system’.  

4.335 The fourth European Commission animal health mission took place from 24 to 27 May 1994, and examined the implementation in the UK of EC legislation regarding BSE. The subsequent report noted that, in the slaughterhouses visited by the mission, ‘the removal, disposal, transport and treatment of specified bovine offal was performed in a proper way’.  

Implementing the recommendations

4.336 In the meantime, MAFF’s Legal Department considered the legal difficulties MAFF faced if it introduced the changes proposed at the meeting on 3 May 1994. On 6 June Mr Howard had met with Mr Durkin of the Legal Department to discuss the proposals and on 15 June he sent a minute to several officials in MAFF and the Territorial Departments, outlining the outcome of this discussion. The minute explained in detail the proposed human health and animal health measures to be introduced by statutory instruments under the Food Safety Act 1990 and the Animal Health Act 1981. Mr Howard pointed out that:

At present enforcement of the SBO/BSE controls rests with local authorities at 2nd tier (District Councils) for provisions made under the Food Safety Act (slaughterhouses, head boning plants, collection centres, knacker’s yards etc), and at 1st tier (County Councils) for provisions made under the Animal Health Act 1981 (rendering plants and disposal of waste after rendering).
4.337 He noted that under new proposals, following the introduction of the Meat Hygiene Service (MHS) in April 1995, enforcement of controls at slaughterhouses and boning plants would be transferred from local authorities to the MHS. This meant that SBO controls would be enforced by three separate authorities. Mr Howard noted that, given the importance of the controls, this was an aspect that needed further consideration.1342

Unannounced visits to monitor SBO handling in slaughterhouses, collection centres and rendering plants every two months

4.338 Whilst the proposed legislative changes required additional consideration and consultation, the draft AHC requiring more frequent presence of SVS staff at slaughterhouses, head-boning plants and rendering plants could be progressed quickly. Mr Simmons minuted Mr Baker on 23 May 1994 stating:

As discussed, I attach revised copies of the two draft AHCs on the disposal of SBO. These incorporate the amendments suggested by the CVO and Mr. Crawford. Significant changes are sidelined. As discussed, since we have agreed to introduce these instructions discreetly, references to letters reminding LAs and the industry have been deleted.1343

4.339 Mr Meldrum had previously asked for amendments to the circular ‘since we do not need to publicise our concerns’.1344

4.340 On 29 June 1994, AHC 94/106 was issued to all DVOs, replacing AHC 92/94 and AHC 93/32. On the practicalities of the animal SBO ban, the circular explained that whilst:

. . . direct responsibility rests with persons supplying feedstuffs and persons feeding animals, it is clear that persons handling, transporting and processing SBO have an indirect responsibility for ensuring that SBO is not mixed with other material directly or indirectly intended for animal feedstuffs. In respect of the operators of rendering plants this has been reinforced by a voluntary Code of Practice (Annex D). The objective of the Code is to ensure separation of SBO from other material throughout the rendering operation.1345

4.341 In respect of slaughterhouses, the AHC required that each cattle slaughterhouse receive an unannounced visit every two months. Two separate weeks’ kill in the preceding period were to be selected and the movement permits for SBO compared with the kill for the period in question. The amount of SBO consigned would be compared with the number of cattle killed. Estimates of the expected yield of SBO were to be checked against the records of cattle slaughtered. At each of the visits, checks were also to be made to establish that SBO remained separate from ‘other waste’. The circular noted that this was particularly important where both classes of material were being consigned to the one compartmentalised vehicle.

1342 YB94/6.15/1.4 para. 13
1343 YB94/5.23/1.1
1344 YB94/5.16/4.1
1345 YB94/6.29/4.1
4.342 Head-boning plants were to be visited ‘at least four times per year’ to establish the manner of SBO disposal. The number of heads received by the plant was to be compared with the number of heads (or the weight of brains) consigned to approved destinations.

4.343 Collection centres and rendering plants known to handle SBO were also to receive visits every two months. Checks at the collection centre should ensure that SBO was separated from other material in storage and whilst in transit. Records of the amount of SBO consigned to the rendering plants were to be compared with the total yield of protein, which should have been around 25 per cent of the original weight. Conditions of licence of those rendering plants disposing of protein derived from SBO should also be checked, as well as their compliance with the Code of Practice.

4.344 The AHC provided that any problems with the separation of SBO at any premises should be taken up with the operator or haulier as appropriate. Returns for all premises on revised MH6 forms were to be submitted via RVO to SVO (Red Meat) at Tolworth every two months.

4.345 Meanwhile, on 25 June 1994, AHC 94/100 was issued to all DVOs on the handling of animal waste at knacker’s yards and hunt kennels. It increased the requirements for frequency of visits to monthly and required that at least 50 per cent of the visits were to be unannounced. The circular noted that deficiencies should be brought to the attention of the relevant local authority. Three examples of deficiencies that would warrant action included:

Failure to separate specified bovine offal from other knackery waste material (where the waste material is intended to be consigned to a rendering plant for processing into meat and bone meal and is destined for incorporation into animal feed). Article 12 of the Bovine Spongiform Encephalopathy Order 1991 prohibits the use of SBO or SBO-derived protein for use in animal feed. To meet this obligation SBO should be kept separate from other waste intended to be rendered to produce animal feed at all stages of transport and storage (unless all the knackery waste material is intended to be handled and treated as SBO).  

Mr Fleetwood’s informal telephone survey

4.346 In July 1994, because of pressure of work in Mr Eddy’s Division, Mr Haddon asked Dr Cawthorne to ‘assume overall responsibility for progressing changes to the SBO controls and to prepare an action plan’.  

4.347 One of the changes proposed at the meeting on 3 May 1994 was to limit the rendering plants allowed to handle SBO to those which had a processing line dedicated solely to SBO and the separate collection of protein and tallow derived from them. Dr Cawthorne gave Mr Fleetwood the task of taking this initiative forward. Mr Fleetwood was an SVO who reported to Dr Cawthorne within the AH(Z)D. Having processing lines dedicated to SBO would go further than the
existing Code of Practice designed to prevent contamination of non-SBO material at rendering plants. In his statement to the Inquiry, Mr Fleetwood commented:

However, I knew from my experience with cross contamination in feedmills and rendering processes in relation to salmonella that, without dedicated plants, it was almost impossible to eliminate cross contamination risk.

feedmills and rendering plants are complex plants handling material in multiple tonne quantities. They use automated equipment (such as screw conveyors and blow lines). It is very difficult, if not impossible, to remove all traces of previous material conveyed through the plant.

4.348 When asked during oral evidence whether the ‘purging system’ under the Code of Practice was sufficient once studies emerged that 1 gram, or possibly less, of material was sufficient to transmit infection, Mr Fleetwood replied:

No. That is one of the bases, or one of the reasons for the decision being taken to require dedicated lines.

4.349 At Dr Cawthorne’s request, Mr Fleetwood telephoned the major UK rendering plants in order to check their capacity. In the course of his telephone calls, he took the opportunity to obtain information about the quantities of SBO that they received in order to compare this with the theoretical tonnage that ought to have been produced, based on slaughterhouse throughput. Mr Fleetwood’s inquiries showed ‘a substantial shortfall in the estimated SBO which renderers were receiving compared with estimated SBO which ought to have been received by them’, suggesting that ‘SBO controls were not working’.

4.350 On 15 July 1994 a report prepared by Dr Cawthorne was sent to Mr Haddon and copied to other MAFF officials. It highlighted the results of Mr Fleetwood’s telephone survey of renderers. Approximately 800 tonnes of SBO were being processed weekly in Great Britain. Dr Cawthorne noted that this was over 400 tonnes short of his ‘average estimate for this time of year’. Dr Cawthorne tried to explain the estimated shortfall in SBO collection. He noted that Prosper De Mulder’s opinion was that the ‘biggest loss’ of SBO was occurring at slaughterhouses, where SBO was not being separated, stained and stored apart from non-SBO material. They believed that since SBO was not being stained some renderers may be diverting SBO for normal processing.

4.351 Dr Cawthorne concluded that whilst staining might improve the situation by restricting opportunities for siphoning off at rendering plants, the long-term solution demanded ‘effective policing of SBO separation, staining and storage at slaughterhouses’. Dr Cawthorne proposed changes to controls on SBO:

We wish to monitor and control the collection and movement of all SBOs (including that from calves less than 6 months of age) from their premises of origin (slaughterhouses, knacker’s yards, boning and cutting plants, hunt kennels, fur farms, zoos, etc) to Agriculture Department approved rendering/
incineration plants via approved collection centres, and to ensure that SBO material remains identifiable and separate from other material at all times. We also [want] to ensure any protein or tallow derived from SBO does not enter the animal [or] human food chains by requiring its burial or incineration in the case of meat and bone meal or chemical fractionation in the case of tallow. To this end, the following legal requirements are considered necessary:

(a) all SBO to be stained at the premises of origin with a water soluble, non-toxic dye capable of withstanding the temperatures reached in rendering (130°C). Ideally such a dye will be carried through to any meat and bone meal derived from processed SBO making it easily distinguishable from non-SBO derived material;

(b) separate handling, storage and transport of SBOs from non-SBOs at premises of origin, intermediate collection points and premises of final destination (rendering plants, incinerators); if this cannot be achieved, all non-SBO to be treated as SBO;

(c) all movements of SBOs between premises of origin, intermediate collection points and premises of final destination to be subject to movement permits issued by the local authority or the Meat Hygiene Service, when in place and where appropriate;

(d) all intermediate collection points to be approved by Agriculture Ministers, approval requiring they have the necessary facilities to store and handle SBOs separately from other animal waste and that they keep records on SBO movements onto and off the premises as required;

(e) all SBOs to go to rendering plants/incineration plants approved/designated by Agriculture Ministers: approval would only be given if they have (a) the necessary facilities for the separate storage and handling of SBOs (b) a line dedicated solely to the processing of SBOs and the separate collection of protein and tallow derived from it (ideally we would prefer a plant solely dedicated to SBO processing but . . . this is unlikely), and (c) can meet the new EC standards for the processing of ruminant material;

(f) all greaves, meat and bone meal and tallow derived from SBO to be moved under Agriculture Minister licence to approved incinerators or burial sites, subject to a final decision being reached on SBO derived tallow;

(g) the owner or person in charge [of the] slaughterhouse, knacker’s yard etc, intermediate collection point or rendering/incineration plant to (a) record the weight of all SBO material originating from, leaving or arriving at his premises (b) keep such records for a minimum of two years and (c) make the records available to Agriculture Ministers or local authority on request. Ideally access to inspect records also required.\textsuperscript{1355}
Development of a new SBO stain

4.352 As noted above, Mr Simmons was asked by Mr Meldrum in April 1994 to research an alternative stain for SBO. In a statement to the Inquiry Mr Simmons said:

Until 1st April, 1995, SBO was stained with Black PN before disposal. SBO was stained to enable it to be identified, at a glance, as not suitable for human consumption. However, the stain was easily broken down by microbial activity and was also confusing for the operators of premises since the stain was also used for other unfit carcass meat and offal. In April 1994, I was instructed by Mr Meldrum to research an alternative stain: one that was distinctive, not destroyed by the heat of rendering and one that could be readily detected in the protein and fat fractions of the rendered material. It was important that an approved colorant (ie with an ‘E’ number) was selected since this was to be used in food premises such as slaughterhouses.1356

4.353 In his ‘action plan’, Dr Cawthorne emphasised that a suitable dye needed to be identified and tested ‘in a real life situation using SBO stained at premises of origin and rendered in an operational processing plant’. A commercial scale trial of a candidate dye in a batch rendering operation was to take place on 25 July 1994.1357

4.354 In his statement to the Inquiry, Mr Fleetwood explained that responsibility for development of a suitable stain was transferred to the Zoonoses Division in accordance with Dr Cawthorne’s recommendations.1358 He also confirmed the practical problems which arose from staining SBO with Black PN:

First, it made it difficult to distinguish SBOs stained according to the 1989 SBO regulations from offal stained according to the Meat and Sterilisation Regulations 1982 . . . Secondly, Black PN was not bio-stable. It tended to disappear as an identifiable stain after approximately 48 hours on offals.1359

4.355 On 24 August 1994 Mr Meldrum minuted Mr Fleetwood stating that he felt it was essential that a suitable colorant be found before the Regulations requiring its use were made, as introducing the colorant later would be ‘extremely inconvenient’. He requested a progress report on any new dye that had been suggested.1360 Mr Fleetwood’s response confirmed that new stains were being assessed. He noted that the process was ‘taking longer than we would have liked, but the technical difficulties are considerable’.1361

4.356 On 13 September 1994 Mr Fleetwood informed Mr Meldrum, among others, that Patent Blue had been identified as the most suitable new stain and recommended that field trials be commenced. Mr Meldrum immediately agreed.1362

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1356 S87 Simmons para. 21
1357 YB94/7.15/2.9 and 2.11
1358 S127 Fleetwood para. 59
1359 S127 Fleetwood para. 60
1360 YB94/8.24/1.1
1361 YB94/8.26/2.1
1362 YB94/9.13/3.1–3.2
Submission to the Minister

4.357 Meanwhile, on 23 July 1994, Dr Cawthorne provided Mr Meldrum with a draft submission to the new Minister of Agriculture, Mr William Waldegrave, on the proposals to improve the controls on the collection, storage, transportation, processing and disposal of SBO. 1363

4.358 The draft submission explained that evidence obtained from reports by SVS field staff indicated that there was some non-compliance with staining requirements and that separation of SBO and non-SBO material was not always maintained during transport to rendering plants or collection centres. It also noted that:

some local authorities are less diligent than others in controlling and reconciling the movement of SBO from slaughterhouses to renderers, possibly through a mistaken belief that the controls are aimed solely at protecting public health, overlooking the animal health implications should they find their way into animal feedstuffs. 1364

4.359 It was pointed out that, as a result of these findings, enforcement had been ‘stepped up’. SVS staff had been instructed to make unannounced visits every two months to all cattle slaughterhouses to check on the collection and separation of SBO and the adequacy of movement permits issued. All shortcomings identified were to be pursued.

4.360 The draft submission set out each of the proposed changes designed to make the identification of SBO easier and the diversion of SBO into MBM and animal feed more difficult. In summary, the proposed changes were:

i. introducing a legal requirement for all SBO to be stained with a distinctive, non-toxic dye;

ii. introducing a legal requirement for SBO to be handled, stored, transported and processed separately from non-SBO material;

iii. extending the requirement for SBO movement permits to knacker’s yards;

iv. requiring movement permits to contain additional information on the weight of SBO moved;

v. requiring collection centres and rendering plants to be officially approved for dealing with SBO; and

vi. requiring slaughterhouses, knacker’s yards, collection centres and rendering plants to keep records of all SBO material with which they dealt.

4.361 It was also proposed that rendering plants should be required to process SBO in a dedicated cooker or plant. The feasibility and implications of this proposal would be clarified once the industry had been consulted.

4.362 A revised draft of the submission was circulated for comment within MAFF, SOAEFD, WOAD, DANI and DH on 2 August 1994. On 10 August 1994 Dr Cawthorne sent the finalised submission to Mr Waldegrave. It read, in part:
Recently, there have been allegations that the SBO controls are not always adhered to and that some SBO may be finding its way into animal feedstuffs. Evidence to substantiate such claims is difficult to obtain but analysis of available data suggests that a sizeable proportion is not being destroyed. Reports from our veterinary field staff indicate that while SBO is in general correctly removed from carcasses and compliance with staining requirements is, on the whole, fairly well observed, intestines are frequently not stained. Separation of SBO from non-SBO material in slaughterhouses is generally adequate but this separation is not always maintained during transportation to rendering plants or collection centres. Inadequate staining makes it more difficult to distinguish SBO from non-SBO material and provides opportunities for SBO to find its way into animal feedstuffs if mixed with non-SBO material. There is also evidence that some local authorities are less diligent or less effective than others in controlling and reconciling the movement of SBO from slaughterhouses to renderers.1365

4.363 In its closing paragraph, the submission read:

The changes require careful presentation to avoid giving any impression that existing controls are not working and human health is being put at risk: our primary concern is to minimise the possibility of material derived from SBO getting into animal feed.1366

4.364 In a manuscript note dated 16 August it was noted:

The Minister is concerned that it is made clear to the Industry why this is so important and also that the controls should be made as simple as possible.1367

Consultation on proposed changes to the SBO controls

4.365 On 22 August 1994, MAFF issued a consultation letter to relevant organisations outlining the proposed changes to the controls for the collection and disposal of SBO. It stated that whilst the Government was ‘generally satisfied with the existing provisions,’ it had identified areas where improvements could be made. It was noted that the adoption of Commission Decision 94/382/EEC on 27 June 1994, which set new standards for the processing of ruminant-derived material, provided an opportunity to review the existing legislation. The recipients’ views on the proposed changes were welcomed.1368

4.366 The proposed changes were:

i. The option of sterilising SBO instead of staining it would be withdrawn, and a distinctive non-toxic dye would be introduced for staining SBO to distinguish it from other unfit material.

ii. The handling, storage, transportation and processing of SBO separately from non-SBO material would be an express legal requirement. Where this could not be achieved, all non-SBO material would be treated in the same manner as SBO.
iii. All movements of SBO, regardless of their place of removal, would be subject to permits issued by local authorities (for the first time including movement from knacker’s yards to renderers). The movement permits would contain information on the quantity of SBO moved ‘to enable better reconciliation between the amounts despatched and those arriving at rendering plants for final disposal’.

iv. Collection centres would be subject to approval by MAFF on the basis of ‘their ability to handle and store SBO separately from all other animal waste and to keep detailed records of the SBO movements onto and off the premises’.

v. Slaughterhouses, knacker’s yards, collection centres and rendering plants would be required to keep records of the weight of all SBO material originating from, leaving or arriving at the premises for two years, and make them available to the Government or local authorities on request.

vi. All renderers wanting to process SBO would require Government approval on the basis of their ability to:

a. operate to the standards laid down in Commission Decision 94/382/EEC for processing waste of ruminant origin;

b. have the necessary facilities to handle and store SBO separately from non-SBO material.

4.367 The letter also noted that the Government wished to ‘explore with industry’ the possibility of requiring that all SBO be rendered in either dedicated lines or in dedicated rendering plants. It was acknowledged that this ‘could have significant resource implications for the rendering industry’.

The results of this consultation process are discussed below at paragraphs 4.395–4.401.

**Confirmation that only a ‘very low dose’ is required to transmit BSE**

4.368 About two weeks later, on 17 August 1994, Dr Cawthorne, Mr Howard and Dr Matthews met with representatives of UKASTA and CVL to discuss, amongst other things, the current and future controls on SBO. The note of the meeting recorded that:

UKASTA outlined its concern that some SBOs might inadvertently be getting through into the meat and bone meal purchased by feed manufacturers which, in turn, might contain the BSE agent. Thus, the question was raised as to whether MAFF checked the quantity of SBO’s removed by abattoirs against the number of bovine animals slaughtered over a period of time in order to check the effectiveness of the legislation.

MAFF advised that this was difficult since, for example, the average weight of SBOs from any one animal could range from 20kg to 30kg. Furthermore although it was possible to estimate the quantity of such materials that might be removed over a period of time, factors such as seasonality, and the numbers of animals slaughtered could result in the overall estimate being imprecise.

1369 YB94/8.22.2–2.4
1370 YB94/9.13/2.2–2.3
MAFF outlined the controls on SBO and the discussion then turned to the infectivity of the BSE agent (see also Chapter 2).

The CVL reiterated the finding known for some time that a single exposure to the BSE agent [was] likely to cause the disease to develop. There was no evidence of the occurrence [of] BSE resulting from a cumulative exposure.

The BSE epidemic is consistent with a low dose exposure.

A discussion took place on the implications to the feed industry if it was subsequently shown that a dose of 1g had caused BSE. Setting aside considerations of the effectiveness of the SBO legislation and even though it was possible to try and minimise the risk of cross contamination between feeds for ruminants and those for monogastrics, the only protection for a feed manufacturer might be to stop using meat and bonemeal in any feedingstuff.\textsuperscript{1371}

Confirmation that ‘a very low dose’ of infective material was sufficient for an animal to succumb to BSE was given at a second meeting between UKASTA, CVL and MAFF on 8 September 1994. The meeting was attended by Mr K Taylor, Mr Fleetwood, Mr Howard, Dr Matthews, Mr Wilesmith and UKASTA representatives.\textsuperscript{1372} Mr Meldrum was provided with a copy of a note of the meeting prepared by UKASTA\textsuperscript{1373} In discussion of the early indications from the attack rate experiment it was recorded:

\begin{itemize}
  \item[i.] CVL had always considered that the infective dose of BSE was relatively small. However, although not yet complete, the studies being undertaken on the oral exposure of cattle (the attack rate study) were indicating that a very low dose was sufficient to cause BSE.
  \item[ii.] With completion of the case control study, it was the considered opinion of MAFF researchers that the potential for cross-contamination at feedmills was a cause of some concern.
  \item[iii.] UKASTA advised that, under the circumstances, the only way in which individual compounders could fully protect themselves against possible claims was by stopping the use of MBM altogether in mills where ruminant feeds were being manufactured.
  \item[iv.] MAFF representatives reported on the recently adopted European Commission Decision 94/382/EC on heat treatment systems for processing ruminant MBM based on work undertaken on de-activation of the BSE and scrapie agents. Commission Decision 94/381/EC banning the use of mammalian MBM in ruminant feedingstuffs was also discussed. MAFF representatives advised the meeting that the UK ruminant feed ban would not be lifted when the legislation implementing the Commission Decision on rendering processes was adopted.\textsuperscript{1374}
\end{itemize}

\textsuperscript{1371} YB94/8.17/2.1–2.4
\textsuperscript{1372} Mr Cameron, Dr Cooke, Mr Reed, Miss Nelson
\textsuperscript{1373} S184A Meldrum para. E114
\textsuperscript{1374} YB94/9.8/4.1–4.4
Dr William Watson gave evidence to the Inquiry that both he and Mr Bradley were surprised at the small amount of central nervous system material required to transmit BSE orally to cattle. Mr Gerald Wells, Head of the Neuropathology Section of the CVL Pathology Department, also expressed surprise that a single gram of brain homogenate proved to be an effective dose. Mr Meldrum told the Inquiry that prior to receiving the early results of the attack rate study he would have said that ‘a substantial dose’ was required to infect. (See vol. 3: The Early Years 1986–88 for discussion of dose.)

Mr Richard Packer, MAFF Permanent Secretary, was officially informed of the result by a minute from Mr Meldrum on 28 February 1995 which was forwarded to the Minister on 31 March. Mr Meldrum told Mr Packer that the findings helped to explain why the feed ban had been less effective than intended. Mr Packer said in oral evidence to the Inquiry that he had been aware of the likely results in November 1994.

The finding of disease in animals in the 1 g group was finally confirmed by histopathological examination in February 1996, and various periodic updates followed. The results of the study were never published.

New processing standards at renderers

On 21 September 1994 Mr Lackenby sent a letter to every renderer approved under the Animal By-Products Order 1992, attaching Commission Decision 94/382/EEC which set out new processing standards for rendering plants processing material of ruminant origin. The new standards included compulsory standards for particle size, time and temperature of rendering systems. They would apply from 1 January 1995.

Mr Lackenby noted that MAFF wished to validate plants wishing to process ruminant protein from early October. He explained the validation process which would require visual and documentary assessment of the plant. Accordingly, he attached forms to be returned to MAFF specifying whether the plant sought validation.

On 26 September 1994, AHC 94/146 was issued to all DVOs. It attached a copy of Commission Decision 94/382/EEC explaining the new processing standards for rendering plants processing material of ruminant origin. It noted that the Decision required Member States to check that rendering plants were meeting the new standards applying from 1 January 1995. The new processing standards would apply to all plants approved under the Animal By-Products Order 1992 and processing raw material of ruminant origin. The circular noted that, accordingly, a letter on the validation of rendering plants had been sent to all renderers approved under the By-Products Order. Following the receipt of instructions from Headquarters, DVOs should contact the owner or operator of the premises in
question to arrange a date and time to visit in order to undertake validation. The
circular also noted that it was of vital importance that validation visits take place at
a time when the rendering plant was in full operation. Temporary certificates should
be issued to those plants which were satisfactory, and the certificates would be
translated to a full approval to process by-products of ruminant origin later in the
year. Plants which were not satisfactory should be assisted to make necessary
alterations to allow for validation by 1 January 1995.1385

Returns on visits pursuant to AHC 94/106

4.377 Since the issue of AHC 94/106 on 29 June 1994, SVS visits to
slaughterhouses, collection centres and rendering plants were required every two
months. On 9 September 1994 Mr Simmons circulated his first report on the visits
made pursuant to AHC 94/106. In the 300 slaughterhouse visits made, compliance
with the SBO regulations and separation of SBO from other waste was reported as
being satisfactory. A limited number of checks on SBO yield were made, generally
indicating yields within the determined limits. Mr Simmons reported ‘minor’
deficiencies, such as incorrectly marked or unmarked SBO receptacles, but
appropriate action had been taken to address these. In collection centres, the reports
indicated that separation of SBO from other material was generally satisfactory,
although not all consignments were accompanied by a movement permit. In one
rendering plant inadequate separation of MBM derived from SBO and MBM from
other sources was reported and, in another plant, inadequate separation of
unprocessed SBO from other raw material was reported. All tallow, other than that
recycled as part of the rendering process, was sold via brokers, and all MBM
derived from SBO was either buried or incinerated at licensed premises.1386

4.378 On 2 November 1994 Mr Simmons produced a report on the second round
of visits pursuant to AHC 94/106.1387 Over 350 slaughterhouse visits were made
during the relevant period. No significant problems were reported in separation,
staining and consignment of SBO at slaughterhouses. Some slaughterhouses did not
separate SBO from other waste, but despatched it as a mixed consignment with all
of the material being treated as SBO. Mr Simmons said that, while this was an
acceptable procedure, it precluded the use of detailed weight checks and left greater
scope for such a consignment to be wrongly identified in a collection centre because
it clearly contained non-SBO material. It was noted that the introduction of a
‘clearly different and stable stain’ should end confusion. The results of weight
checks were considered to be generally satisfactory.

4.379 Mr Simmons reported that the separation of SBO from other material at
collection centres was generally satisfactory, although some deficiencies with
movement permits were noted. Concern was expressed about the possibility of
mixed loads of SBO and non-SBO material inadvertently being reclassified as non-
SBO material. Of the rendering plants, one was not complying with the Code of
Practice. This had been ‘the subject of considerable SVS input and there are other
plans to alter the layout of the premises to improve the separation of SBO from other
material’. Mr Simmons stated that it was clear from the reports and discussion with
field staff that the ‘increased level of checks’ had focused attention on the disposal

1385 YB94/9.26/1.1–1.3
1386 YB94/9.09/2.1–2.3
1387 YB94/11.02/1.1
of SBO’ and had provided the ‘impetus to draw the attention of LAs deficient in enforcement’.

**Further consideration of the use of SBO-derived tallow in animal feed**

4.380 SEAC considered the uses of SBO-derived tallow in animal feed at its meetings in January, April and August of 1994 (see vol. 11: *Scientists after Southwood*). The Committee agreed at its meeting on 10 August 1994 that tallow derived from SBO could continue to be used in animal feed provided that the material had been fractionated by the oleochemical process.

4.381 On 27 September 1994 a submission seeking the Minister’s agreement and signature to the Spongiform Encephalopathy (Miscellaneous Amendments) Order 1994, noted that the draft Order did not go so far as to prohibit the inclusion of SBO-derived tallow in animal feed, as this had been reconsidered by SEAC and was the subject of a separate submission to be put forward shortly (see paragraphs 4.382–4.385 below).

4.382 On 12 October 1994 Mr Eddy communicated SEAC’s views on SBO-derived tallow to the Parliamentary Secretary, Mrs Angela Browning, and sought her agreement to write to the industry accordingly.

Proposals on how this ban on the use of SBO derived tallow in animal feedingstuffs will be considered as part of the wider ranging proposals for changes to the existing SBO controls . . .

4.383 He concluded:

The Minister is asked to agree that the advice of SEAC should be implemented and appropriate organisations informed. In doing so we recommend reminding them of the existing ban on using this material for human food.

4.384 The Specified Bovine Offal Order 1995 subsequently extended the scope of the ban on inclusion of specified bovine offal to prohibit the sale or use of SBO-derived tallow in animal feedstuffs except where it had been subject to the fractionation process used in the oleochemical industry (see paragraph 4.526 below).

4.385 Consideration of the implications of the inclusion of both standard tallow and SBO-derived tallow in animal feed is discussed in Chapter 2 of this volume.

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1388 YB94/11.2/1.1–1.3
1389 YB94/8.30/3.6 para. 30
1390 YB94/9.27/1.6 para. 10
1391 Mrs Browning succeeded Mr Soames as Parliamentary Secretary in July 1994
1392 YB94/10.12/2.3 para. 8
1393 YB94/10.12/2.4 para. 11
1394 L2 tab 13
The infectivity in distal ileum of calves under the age of 6 months

4.386 MAFF Ministers and senior officials were informed of the results from the pathogenesis experiment involving calves by Mr Meldrum on 17 June 1994. The experiment had detected the BSE agent in the distal ileum (small intestine) of calves killed at 6 and 10 months, having each been fed – at the age of 4 months – with 100 g of brain homogenate from a clinical case of BSE. He noted that this was ‘the first time [that] the BSE agent has been shown to be present in tissues outside the central nervous system’. Mr Meldrum advised that publication of the preliminary results was being arranged, and that the final results would be available in September 1994, February 1995 and May 1995.

4.387 Whilst the initial implications of these results caused concern about the consequences for human health (see vol. 6: Human Health, 1989–96, Chapter 4), these results also had implications for animal health in so far as the infected tissue could continue to be incorporated in animal feed.

4.388 On 23 June 1994 Mr K Taylor put a submission to Ministers on the new pathogenesis results. While noting that the ‘SBO ban is a vital control in the protection of public health: probably the most important single measure’, he continued:

At worst this indicates that, contrary to what was believed until now, a potentially infected tissue is still available for use in human or animal food (although ruminants are protected by the ruminant feed ban). This is why [SEAC] is being given the information and asked for advice.

4.389 Following further consideration of the pathogenesis results by MAFF, DH and SEAC (see vol. 6: Human Health, 1989–96), Ministers decided to extend the SBO bans to include thymus and intestines of calves under 6 months of age. On 30 June, in a joint press release issued by Dr Calman and Mr Meldrum announcing the Government’s intention to prohibit the use of thymus and intestines of calves under 6 months of age, it was noted:

Although no finding of infectivity has been made in the bovine thymus this is an organ which is sold for human consumption as sweetbreads, and which is a permitted ingredient of meat products. Inclusion in the definition of specified bovine offals will ensure that any risk of transmission of BSE by this route is closed off.

4.390 On 21 October Mr Howard informed a number of interested organisations that both the Spongiform Encephalopathy (Miscellaneous Amendments) Order 1994 and the Bovine Offal (Prohibition) (Amendment) Regulations 1994 would be coming into effect on 2 November.
The Spongiform Encephalopathy (Miscellaneous Amendments) Order 1994


(a) where the animal is over six months of age and has in the United Kingdom died or been slaughtered, the brain, spinal cord, spleen, thymus, tonsils and intestines;

(b) where the animal is two months of age or over but not over six months of age and has in the United Kingdom died or been slaughtered, the thymus and intestines only; and

(c) where the animal is under two months of age and has been slaughtered in the United Kingdom for human consumption, the thymus and intestines only.1402

4.392 It also implemented EC Decision 94/381/EC by extending the ruminant feed ban, to prohibit any mammalian protein from being fed to ruminant animals (see Chapter 2).1403

4.393 The amendment to the definition of specified bovine offal was mirrored in the Bovine Offal (Prohibition)(Amendment) Regulations 1994,1404 (see vol. 6: Human Health, 1989–96) which also came into force on 2 November 1994.

Results of consultation on proposed changes to the SBO controls

4.394 On 27 October Mr N Jackson provided Mr Lackenby (copied to Dr Cawthorne, Mr Fleetwood, Mr Simmons and others) with the summary of the responses to the consultation exercise received to date. He noted that only five rendering plants had supplied comments and he annexed a precis of the more substantial comments.1405

4.395 On 21 November 1994, three months after the consultation letter had been circulated, Dr Cawthorne circulated the results within MAFF and other Government Departments. He included an explanation of the various responses to each of the proposals and his view on what recommendations should be made to the Minister. Of the 70 or so organisations consulted, 30 replies were received with a wide range of responses. Dr Cawthorne set out any industry comments on each of the proposed changes. He concluded that:

i. sterilising of SBO (rather than staining) upon its removal from carcasses should no longer be an acceptable option;

1402 L2 tab 11 article 4
1403 L2 tab 11 article 4
1404 L2 tab 11A
1405 YB94/10.27/1.1
ii. a distinctive dye, probably Patent Blue, should be required for staining SBO;

iii. it should be a legal requirement to separate SBO from non-SBO material at all points and any mixtures of SBO and non-SBO material should be treated as if they were SBO;

iv. although there was widespread agreement on the need for an improved system for auditing SBO movement, consultation had identified a number of difficulties. A requirement to record weights might add to a financial burden and might not lead to an improvement if quantities could not be reconciled. Responsibilities for the issuing of movement permits would pass from District Councils to County Councils. The movement permit system needed to be ‘thought through carefully’ before recommendations could be made to Ministers;

v. collection centres should be subject to approval, preferably by MAFF rather than local authorities; and

vi. there were no ‘obvious barriers’ to requiring renderers who were processing SBO to obtain approval. However, the question whether SBO should be processed in dedicated cookers or plants needed further consideration and discussion with industry.\(^{1406}\)

4.396 Dr Cawthorne also noted that views of the rendering industry and meat industry organisations remained divided on the requirement for dedicated plants for the rendering of SBO. He concluded that further consideration and discussion with the industry would be sensible.

4.397 Mrs Brown provided comments on Mr Cawthorne’s proposed SBO controls on 8 December. She noted that a justification for removing the requirement of movement permits was that it was a ‘costly system, which controls legitimate traders but is no safeguard against those who intend to flout the law.’ She noted that removing the system would ‘free local authority resources which can be used to increase direct enforcement methods, ie more frequent visits to check records’.\(^{1407}\)

4.398 MAFF embarked on further consultation with the industry, and on 9 December 1994 UKRA representatives met MAFF officials to discuss the proposed changes.\(^{1408}\) Messrs Meldrum, Crawford, Haddon, Baker and Eddy, Dr Cawthorne, Mrs Brown and Mr K Taylor represented MAFF. A minute of the meeting circulated later by Dr Cawthorne recorded that UKRA’s representatives:

i. raised no objections to MAFF’s proposal to require staining of SBO with Patent Blue;

ii. were content with MAFF’s proposal to require separation of SBO from non-SBO material at all points along the collection and disposal chain, but were concerned that separation should not extend to requiring use of dedicated vehicles as opposed to single compartmentalised vehicles, on the grounds of cost;

iii. raised concerns at the possibility of requiring SBO collections to be sealed, as the same lorry would often service several slaughterhouses before having a

\(^{1406}\) YB94/11.21/1,1–1.9

\(^{1407}\) YB94/12.8/1.2

\(^{1408}\) YB94/12.12/5.1–5.4
sufficient load to take to the rendering plant. A requirement that loads be sealed on despatch would therefore be difficult to comply with;

iv. did not object to MAFF’s proposal at the meeting that the current system of movement permits be replaced with an obligation to keep records of SBO despatched and received. This proposal was that slaughterhouses, knacker’s yards, collection centres, renderers and incineration plants should keep records of the quantity, origin and/or destination of SBO leaving or arriving at their premises and that these records should be available for inspection. Spot checks on these records were then proposed as an alternative to the existing system of movement permits;

v. were content with proposals to make rendering plants subject to approval on the basis of their ability to separate SBO from non-SBO, process SBO in accordance with EC requirements, and require the separation of not just the greaves, but all products of SBO processing, including tallow.1409

4.399 There was also comment on the possibility of requiring dedicated lines or plants for the processing of SBO material. Several arguments against such an action were put forward:

We were left in no doubt that if MAFF required SBO to be processed in dedicated facilities, the industry would respond by installing separate cookers. Installation would take time and would cost money which would be passed on to abattoirs, etc in increased collection charges. We should also not lose sight of the possibility that PDM’s already dominant position in the marketplace could be increased and that some processors could go out of business.1410

4.400 Dr Cawthorne concluded that in light of the readiness with which their other proposals were accepted by UKRA, MAFF should forego requirements for dedicated processing of SBO or sealed collections for the time being.1411

4.401 In a statement to the Inquiry, Mr Meldrum said that he responded to Dr Cawthorne three days later. He remained adamant that ‘we must have a watertight system for the separation, staining and processing of SBOs that does not put the cattle industry at risk’. He recognised that some of the proposals could cause some inconvenience and additional cost to the industry, but noted that ‘our objective is to reduce the exposure of cattle to the agent of BSE to negligible proportions and thereby ensure that the disease is eradicated from the UK’. He also indicated his support for the use of seals on SBO transport containers and for processing of SBO in dedicated plants.1412

Dr Cawthorne’s submission to the Parliamentary Secretary

4.402 In a submission to Mrs Browning on 9 January 1995, Dr Cawthorne referred to the results of deliberations with various Government Departments on the previous year’s consultation process for changes to the collection and handling of SBO. Dr Cawthorne sought Mrs Browning’s agreement to ‘legislative changes

1409 YB94/12.12/5.2–5.3
1410 YB94/12.12/5.3
1411 YB94/12.12/5.4
1412 S184A Meldrum para. F134
aimed at strengthening existing controls’, and recommended that SBO should be processed in dedicated rendering facilities. The submission was copied widely within MAFF, and to Scottish, Welsh and Northern Ireland Departments and the Department of Health.1413

4.403 Dr Cawthorne also recommended that legislation be drafted ‘withdrawing the option of sterilising SBO at the place of its removal and requiring SBO to be stained with the dye Patent Blue V’. Dr Cawthorne told Mrs Browning that:

There was almost universal support for the proposal to remove the option of sterilisation and general support for the proposal that all SBO should be stained with a distinctive dye that would survive rendering and be detectable in meat and bone meal.1414

4.404 Dr Cawthorne recommended that the legislation require ‘SBO to be handled, stored, transported and processed separately from non-SBO material’. This would overcome the present lack of an ‘explicit legal requirement’ to this effect.1415

4.405 He recommended requiring ‘slaughterhouses, knacker’s yards, collection centres, renderers and incineration plants to record the quantities (if possible the weight), origin and/or destination of SBO leaving or arriving at their premises, keep these records for two years and make them available to officials for inspection’.1416

4.406 Dr Cawthorne also recommended the removal of the requirement that movement of SBO be covered by movement permits or accompanied by a consignment note. The existing system, under which movement permits were signed by the recipient of the SBO and then returned to the issuing authority as a check on its arrival, was criticised by industry groups. Dr Cawthorne noted that it was ‘administratively complex and does not provide an effective check on the amounts of SBO removed at slaughterhouses and disposed of at rendering plants’. He said:

It is now recommended that the current permit system is replaced with spot checks by Agriculture Departments of the records that slaughterhouses, cutting plants, knacker’s yards and rendering plants will be required to maintain as part of the total package of improved controls…Officials believe this [will] provide a simpler and more effective check on the amounts of SBO being removed and disposed of.1417

4.407 Dr Cawthorne recommended that collection centres, ‘where SBO may be temporarily stored en route from slaughterhouses to rendering plants’, should be approved for that purpose by Agriculture Departments. Rendering plants wishing to process SBO would also have to be approved for this purpose by Agriculture Departments on condition that they:

(a) complied with new EU standards for processing of ruminant waste and
(b) had the necessary facilities to handle and store SBO separately from non-SBO material.1418
The requirement for dedicated processing facilities was a proposal that had met with opposition from all renderers, except Prosper De Mulder (who had already installed dedicated facilities), and from slaughterhouse interests. They regarded such a measure as ‘an unnecessary, additional financial burden now that new EU rendering standards had to be met and because charges for SBO collection and disposal would have to increase to recover the costs of installing new plant’. Dr Cawthorne explained:

Four rendering companies, who between them process 80% of all the SBO produced in Great Britain, would install dedicated lines if Ministers decided this was necessary: others could, given time, though they would have to decide whether this was financially worthwhile. The cost of installing new equipment is estimated at between £100,000 to £750,000 per plant.

Dr Cawthorne described the alternative:

The alternative would be to allow renderers, as now, to continue using the same cooker to process SBO and non-SBO provided (a) it is ‘purged’ to remove all traces of SBO after batches of the latter have been processed, (b) both SBO derived meat and bone meal and tallow is collected separately from non-SBO products. Although this would have minimal financial consequences for the industry, if cookers are not properly purged, SBO residues could contaminate meat and bone meal produced from other animal waste and thereby undermine the other measures we are introducing to strengthen existing controls. Officials are particularly concerned about the possibility of brain tissue, with its potentially higher concentration of BSE agent, becoming mixed with non-SBO waste if the latter is not processed separately from SBO material.

He noted that a requirement for dedicated processing of SBO would maintain the confidence of UKASTA in MBM as a feed ingredient and counter suggestions that existing controls were inadequate. However, he acknowledged that it could also strengthen the dominant position of Prosper De Mulder in England and Wales and W M Forrest in Scotland, exacerbating ‘existing problems of competitiveness in the rendering industry’. Nonetheless, after ‘careful consideration of all the possible consequences’, Mr Meldrum and MAFF officials had decided that requiring SBO to be processed in dedicated facilities was the ‘better option and is in the long term interests of both the industry and animal health’. In recognition of the likely increase in SBO collection charges, slaughterhouses, cutting plants, knacker’s yards and hunt kennels were to be given the option of sending SBO direct to an incineration plant for destruction.

Dr Cawthorne recommended that the legislation should prohibit the use in animal feed of tallow derived from SBO until after it had been processed by the oleochemical industry. This followed advice from SEAC that tallow subjected to the processes used by the industry was suitable for inclusion in animal feed.
Consideration of Dr Cawthorne’s submission

4.412 On 19 January 1995 Mr Packer, Dr Cawthorne, Mr Meldrum and a number of other MAFF officials\(^ {1423}\) attended a meeting with Mrs Browning, to consider Dr Cawthorne’s submission. Mr Meldrum explained that the proposed measures were necessary to make the separation of SBO more enforceable. A note of the meeting circulated later recorded that:

[Mr Meldrum] was convinced that there was some accidental ‘leakage’ of SBO into non-SBO material, and hence into cattle feed. There had also been some evidence in the past year that the rules were not always followed. Action had already been taken on this, for example by increasing checking, but it was not possible to be there all the time. Contamination of ruminant feed with SBO-derived material had obvious implications for animal health. Mr Taylor noted that half of all BSE cases now appeared in animals which had been born after the ruminant feed ban.

Staining using the new dye could be rapidly implemented to ensure that SBO-derived products were identifiable as such. However, from the point of view of enforcement, the best way forward was to require separate lines to be used for SBO and non SBO material. It was essential to keep potentially infected material out of the feed, since comparatively small volumes of brain tissue could cause infection.\(^ {1424}\)

4.413 The note continued:

[Mr Packer] said that it was clear that we needed to implement the proposals in [the] submission. The difficulty would be in explaining why we had not done so at the outset. Mr Hollis agreed that presentation would be crucial; the new rules could not convincingly be presented as a simplification. It was agreed that there was a need to be clear that these measures related to the animal food chain. The human food chain had been well protected.

Mrs Browning agreed that we should move rapidly towards implementation of the measures which you proposed.\(^ {1425}\)

4.414 On 24 January 1995 Mr Lackenby wrote to interested organisations advising that Ministers were considering a range of proposed changes to the SBO controls. Mr Lackenby said that it had been decided to introduce the specific staining requirements for SBO and the amendments allowing the MHS to take over responsibility for enforcing the SBO regulations in slaughterhouses and cutting plants, ahead of the other measures under consideration.\(^ {1426}\)

4.415 On 2 February Dr Cawthorne sought Mrs Browning’s signature to the Bovine Offal (Prohibition) (Amendment) Regulations 1995 implementing the requirement for SBO to be stained with a distinctive dye as well as introducing amendments necessary for the MHS to assume responsibility for enforcing the 1989 Regulations, as amended, in slaughterhouses and boning plants. Dr Cawthorne

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\(^{1423}\) Mr Carden, Mr Haddon, Mr Hollis, Mr Taylor and Mr Eddy

\(^{1424}\) YB95/1.20/1.1

\(^{1425}\) YB95/1.20/1.2

\(^{1426}\) YB95/1.24/3.1–3.8
referred to his submission of 9 January and Mrs Browning agreement to the introduction of the new stain. He noted in a annex to the submission that:

The requirement for all SBO to be stained with its own distinctive dye – Patent Blue V – is considered an important measure to distinguish it from non-SBO material, which is also unfit for human consumption but which unlike SBO, can be included in animal feed after processing in rendering plants.\footnote{1427}

**Returns on the next round of two-monthly visits pursuant to AHC 94/106**

4.416 On 2 March 1995 Mr Simmons circulated a summary of the next set of returns from visits made under AHC 94/106. Mr Simmons said:

I believe that, in general, the disposal of SBO has improved at all stages and that, provided our current input is maintained, further improvements can be made.\footnote{1428}

4.417 Of the 348 slaughterhouses visited, 10 were reported as showing deficiencies such as the absence of movement permits, inadequate staining and poor separation. In each case, the reports indicated that either the deficiency was resolved promptly or it was taken up with the relevant local authority. The returns from rendering plants and collection centres indicated that operators appeared to be complying with the relevant legislation.

**Introduction of the MHS and the new stain for SBO**

4.418 AHC 95/40 was issued on 24 March 1995. It advised that the Bovine Offal Prohibition (Amendments) Regulations 1995 (the 1995 Regulations) would come into force on 1 April 1995. The circular stated that:

SVS Officers must, as a first priority, visit all slaughterhouses and head boning plants in their area at which SBO may be expected to arise. They should explain the requirements of the new Regulations and ensure that the new stain is brought into use without undue delay.\footnote{1429}

4.419 As a second priority, SVS staff were required to visit all knacker’s yards and hunt kennels to ensure the same awareness and compliance with the new Regulations as at slaughterhouses.\footnote{1430}

4.420 The circular enclosed an inset containing new instructions on the disposal and processing of SBO. It noted that:

A direct responsibility is also placed on those persons supplying feedingstuffs (eg rendering plants) and those feeding animals (eg hunt

\footnote{1427 YB95/2.21/1.8} \footnote{1428 YB95/3.02/1.1–1.2} \footnote{1429 YB95/3.24/1.1, M42 tab 21} \footnote{1430 YB95/3.24/1.1, M42 tab 21}
kennels) to ensure that SBO or protein derived from it is kept out of the animal feed chain.

An indirect responsibility is placed on those handling and transporting SBO (eg collecting centres and transport companies) to ensure that SBO remains identified at all times and is kept separate from materials destined for animal feedingstuffs.

SBOs from any source (abattoir, knackery, hunt kennel, etc) should be kept separate from other offals. Any mixing with SBO means that other offals acquire SBO status. After staining, SBO should be transported, stored and processed separately, in accordance with a code of practice issued by MAFF . . . Finally, protein derived from SBO should be disposed of under a licence issued by the local Animal Health Office.1431

4.421 The circular also noted that responsibility for auditing and directing SVS activity on SBO had passed to the SVO (Protein Processing) at Tolworth.1432

4.422 In addition, Meat Hygiene Division, Branch A also issued an FSH circular to local authorities which discussed the staining requirements. It stated:

Enforcement authorities are asked to ensure that SBO in knacker’s yards and hunt kennels is properly stained with blue dye before it is removed from the site. If SBO is mixed with other unfit waste for dispatch to the renderers, etc all material should be regarded as SBO and stained blue.1433

4.423 This advice was criticised in a written statement given to us on behalf of the Local Authority Co-ordinating Body on Food and Trading Standards (LACOTS). It stated that:

This advice should have given some indication of the inspection frequency MAFF expected at knacker’s yards and hunt kennels in order to ensure proper staining. The Ministry did not give any information in the Circular about what the SVS were doing as far as providing information and advice to businesses was concerned.1434

The Bovine Offal (Prohibition) (Amendment) Regulations 1995

4.424 The Bovine Offal (Prohibition) (Amendment) Regulations 1995 (the 1995 Regulations) came into force on 1 April 1995.1435 The Meat Hygiene Service (MHS) was launched as an executive agency of MAFF on the same day (see vol. 6: Human Health, 1989–1996). It took over from local authorities responsibility for meat inspection, supervision of licensed fresh meat premises, and enforcement of the legislation relating to meat hygiene, BSE/SBO controls and animal welfare in slaughterhouses and head-boning plants.1436 The new service would also be responsible for the day-to-day checks on SBO disposal at these sites.
4.425 The 1995 Regulations provided that:

16. These regulations shall be enforced and executed –

in relation to premises licensed under the Fresh Meat (Hygiene and Inspection) Regulations 1995 (a), by the Minister of Agriculture, Fisheries and Food in relation to England and the Secretary of State in relation to Wales;

in any other case, by each food authority within its area, . . .

4.426 The 1995 Regulations also amended the definition of ‘staining’ to require SBO to be stained with a new distinctive food colour, Patent Blue V, instead of Black PN.

4.427 Mr Meldrum said in oral evidence:

In 1995 quite clearly we had a problem, in April 1995 and May 1995 on staining of SBOs, when we brought in the new stain . . . Patent Blue V. And quite clearly there was a problem then. Whether it was a problem because of a changeover or a problem because of a new stain or a problem because in the past local authorities had sometimes stained the material when they were responsible, I do not know. One could only again work on the basis of what you see. What we saw in 1995 raised extreme concern in my mind about the utilisation of SBOs and where they went.

The HAT exercise is established

4.428 In his statement to the Inquiry, Mr Peter Soul, Director of Operations at the MHS, said that:

Following the launch of the MHS on 1 April 1995, a major exercise was undertaken to benchmark standards in the meat industry. This exercise was dubbed the ‘Hygiene Advice Team’ or ‘HAT’.

Teams of experienced Official Veterinarians and Senior Meat Hygiene Inspectors visited all full throughput abattoirs during 1995 and conducted a thorough and detailed inspection of hygiene and animal welfare standards and made an assessment of manning levels.

4.429 The results of the Hygiene Advice Team (HAT) audit exercise are described in vol. 6: Human Health, 1989–1996.

Failure to stain SBO becomes apparent

4.430 The requirement to stain SBO with the new Patent Blue V stain had been in place for one month when reports of non-compliance began to surface. On 2 May

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1437 L2 tab 11C regulation 16
1438 L2 tab 11C regulation 2
1439 T132 pp. 99–100
1440 Acting Head of Operations August 1995 to December 1995, thereafter Director of Operations
1441 S88 Soul paras 4.5.7 – 4.5.8
1995 Mr Peter Hewson, SMHA in Meat Hygiene Veterinary Section, wrote to Mr Philip Corrigan, MHS Head of Operations, with information that the majority of SBO was arriving unstained at rendering plants. The minute was copied to Mr Meldrum, Mr Baker, Dr Cawthorne, Mr Fleetwood and Mr Penny. Mr Hewson said:

It is clear to us that local authorities were not implementing the staining requirements of the SBO regulations with the diligence we would have expected. In many instances they appear not to have been insisting SBO was stained and were not making follow-up enquiries when unstained SBO was received at its final destination.  

4.431 Mr Hewson suggested that ‘the situation may have worsened since the old black dye was replaced by the more expensive Patent Blue V’. He asked that MHS staff be reminded urgently of their responsibilities, which were comprehensively set out in chapter 10 of the MHS Operations Manual. He added that Mr Corrigan might wish to remind MHS staff that it was not their responsibility to do the staining themselves, as this was understood to be happening at some premises.

4.432 On 3 May 1995 Mr Fleetwood, who was now responsible for monitoring the enforcement of the SBO controls, minuted Mr Meldrum about reports from the rendering industry that not all SBO arriving at rendering plants was stained with the Patent Blue V dye. Some appeared to be unstained, some fully stained and some stained with an inappropriate colour. In addition, some non-SBO material was being stained with the Patent Blue V dye. Mr Fleetwood wrote that ‘the allegations appear to suggest that local authorities have taken a lackadaisical approach to enforcement in recent times’.

4.433 On the same day, Mr Fleetwood also minuted Dr Cawthorne setting out in full the details of allegations about the non-staining of SBO arriving at rendering plants. He explained that he had received a telephone call from Prosper De Mulder on 28 April 1995 and was told that almost all of the SBO arriving at its plant for processing was unstained. Mr Fleetwood noted that as this plant processed approximately 60 to 70 per cent of the SBO in the country, this ‘was a matter of some concern’. By coincidence, staff from the local Animal Health Office had been visiting the plant in question that week under Mr Fleetwood’s instructions, examining raw material and taking samples of greaves to be tested for the SBO stain. They were able to confirm that they had seen no evidence of SBO arriving stained with Patent Blue V. Although they considered it possible that some had been stained with the Black PN stain, as this decomposed from SBO within two days, they were unable to be sure. When questioned, the plant operators alleged that they had only received two consignments of SBO stained with Patent Blue V since 1 April 1995, and that ‘attempts by their buyers to ask for staining of SBO had been met with outright rejection’.

4.434 Mr Fleetwood’s minute recorded that Mr Lackenby had approached the manufacturers of Patent Blue V, who had confirmed that stocks were available for immediate delivery and that, although some of them had received several enquiries...
from slaughterhouses, few orders for stain had been placed. From this Mr Fleetwood concluded that non-availability of stain was not an explanation for any failure by slaughterhouses to use it. 1448

4.435 Mr Fleetwood continued:

Obviously, I cannot speak for what has gone on in the past, but current evidence seems to suggest that SBO is not being stained as it should be. The problem seems to be worse with the suppliers to De Mulders which may have something to do with their gut room contracts. The problems have not yet been detected by SVS staff who continue to report that all is well. I find this puzzling, but I have a feeling that although staff are shown one thing when they visit the premises, something quite different happens the moment they leave. There may also be an element of failure on their part to get on to the cutting room or gut room floor and really look at things in detail.

. . . I can confirm that the Chief Executive of the MHS has been asked to give his staff a rap over the knuckles . . .

We are now considering whether SVS staff should separately investigate the position in slaughterhouses and head boning plants by advancing and enhancing their programme of regular visits. To this end, I have drafted an AHC for you to discuss with Senior Staff . . . I feel that enhancement of the regular programme is essential as SVS staff have, up to now, been reporting that matters are satisfactory when this is clearly not the case. 1449

4.436 On 4 May 1995 Mr Crawford replied to Mr Fleetwood, expressing surprise that there was a significant problem of SBO arriving unstained at rendering plants, and asking whether there was any way of assessing the extent of the problem. Mr Crawford noted that SVS staff were required to visit slaughterhouses and head-boning plants every two months to inspect procedures for handling SBO material and that ‘failure to stain SBO material has not been reported as a significant problem’. It was noted that Mr Fleetwood’s minute appeared to be contrary to the findings of SVS staff. Mr Crawford asked whether the difficulties in staining might be due to the fact that local authorities no longer provided the service of staining and whether they were now seeing reluctance on the part of the slaughterhouse operatives to provide and use the stain. 1450

4.437 Mr Fleetwood responded to Mr Crawford on the following day:

I cannot avoid the conclusion that significant quantities of SBO are arriving at rendering plants either unstained or incorrectly stained. What I cannot be sure about is how long this has been a problem, although uncorroborated reports from the industry suggest that it is not a new phenomenon. 1451

4.438 He reiterated what he had said in previous minutes:

. . . you ask why we have had no indication of problems from field staff and . . . whether the introduction of the MHS may have had an effect. It is

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1448 YB95/5.03/4.2
1449 YB95/5.03/4.2
1450 YB95/5.04/1.1
1451 YB95/5.05/2.2
possible that the problem with staining is a new phenomenon in which case reports would not yet have started to filter through from the field. Possible reasons may include the fact that there are no longer [the same] LA meat inspectors to apply stain and that the plant operators have to purchase a new stain (which is not more expensive than the old one). However, I suspect that at least some of the problem is of longer standing duration in which case the lack of reported problems from the field is puzzling. I suspect that the explanation is that although staff are shown one thing when they visit a premises, something quite different happens the moment they leave. We are addressing this problem by enhancing the checks that SVS staff make when they visit a premises and by making the checks at rendering plants which triggered this issue.\footnote{YB95/5.05/2.2}

4.439 On 10 May 1995 Mr Corrigan issued an MHS Information Note to inspection staff regarding staining of SBO. It stated that information received indicated that the majority of SBO was arriving at rendering plants unstained. It confirmed that enforcement of SBO controls was now the responsibility of the MHS. Staff were reminded that physical application of the stain was not their responsibility. Details of the suppliers of Patent Blue V dye were also provided.\footnote{YB95/6.26/1.4}

Consultation on the remaining proposed legislative changes

4.440 During the first few months of 1995, a draft Order incorporating the remaining intended changes to SBO controls had been prepared by Mr Lackenby and the MAFF Legal Department, with comments from Mr Crawford, Mr K Taylor and others.

4.441 On 31 March 1995, following comments on an earlier draft, Mr Howard minuted Mr Packer with a redrafted submission for the Minister on the disposal of bovine brains and eyeballs:

Complete removal of the brain is difficult. To remove the brain the skull has to be opened and sharp edges are formed at the opening. The brain is scooped out by hand but since it is friable and firmly attached, in parts, to the interior of the skull, the brain can break up and is removed in pieces. There is a risk that skulls still containing brain tissue may be rendered into meat and bone meal and subsequently incorporated into animal feedingstuffs.

Experiments still in progress have already shown that less than 1gm of unprocessed brain from a clinically affected bovine will transmit infection when fed to another bovine . . .

We also recommend an end to the removal of eyeballs from skulls. An experiment is underway with tissue from the eye injected into mice and although the results are not yet available, we believe on balance that it would be prudent to include them now while the rules on dressing skulls are being reviewed in case there is a positive result.\footnote{YB95/3.31/4.2}
4.442 He continued:

We now have clear evidence that the amount of bovine brain needed to infect other cattle when given by mouth can be very small, and that the complete removal of the brain from bovine skulls is difficult.

4.443 He therefore sought the Minister’s agreement to the proposed SBO Order which would prohibit the removal of brains and eyeballs from bovine heads.

4.444 Mr Packer forwarded this and a submission from Mr Meldrum on research results to the Minister on the same day. In his covering minute Mr Packer suggested that Mr Howard’s paper fully made ‘out the case for the change recommended’ particularly in light of the results of the attack rate study which were set out in the second submission from Mr Meldrum.1455

4.445 On 5 May 1995 the draft Order was included in a submission from Mr Eddy to Mrs Browning, along with a draft consultation letter on the intended changes. The proposed Order would replace or amend the controls set out in the Bovine Offal (Prohibition) Regulations 1989 and the Bovine Spongiform Encephalopathy Order 1991. In particular, Mrs Browning was referred to the article dealing with skulls and eyeballs. Mr Eddy wrote:

We are particularly anxious to introduce these changes as soon as possible because of the research results on the infectivity of very small doses of BSE which make it important that we remove any risk from material being left behind in skulls . . . The Secretary will wish to note that we have proposed only a three week consultation period. This is because of the need to get these new controls in place quickly.1456

4.446 The purpose of the new article prohibiting the removal of brain and disposal of the skull was explained in the draft consultation letter to interested organisations as being to:

. . . reduce still further any risk that brain material, in however small a quantity, could inadvertently be used in animal feed through the rendering of skulls which might, on occasions, possibly contain small amounts of brain. This decision has been taken in the light of evidence emerging from experiments that cattle are susceptible to infection by very small oral doses of BSE infected material. It reflects Ministers’ determination to take an extremely cautious line and to avoid any risk whatsoever of potentially infectious material entering the animal feed chain.1457

4.447 The draft consultation letter also stated that the overall aim of the proposed Order was:

. . . to combine in a single Order all the controls over the collection and disposal of SBO from where it is produced in slaughterhouses, knacker’s yards, hunt kennels or any other place through to its destruction in

1455 YB95/3.31/7.1–7.2
1456 YB95/5.05/3.1
1457 YB95/5.05/3.5
incinerators or if it is rendered, the final disposal of the protein and tallow produced.\[1458\]

4.448 Mrs Browning responded ‘very quickly’ that she was ‘happy with [Mr Eddy’s] proposed presentation of the issues and that he should send out the consultation document as early as possible’.\[1459\] The consultation letter was distributed to all relevant parties on 9 May 1995.\[1460\]

**SVS begins unannounced visits to check on staining**

4.449 On 17 May 1995 Dr Cawthorne wrote to Mr Corrigan about the failure to stain SBO in slaughterhouses and head-boning plants.\[1461\] The letter noted that further inquiries by SVS staff had confirmed that the bulk of SBO was ‘arriving at rendering plants unstained, inadequately stained or stained with the wrong dye’. The SVS was now beginning to report similar problems at slaughterhouses and head-boning plants. Dr Cawthorne explained that the proper separation and disposal of SBO was a key component of the Government’s measures for the control of BSE:

Staining of SBO with a distinctive dye ensures that it is easily identifiable and should ensure that none of this material finds its way, deliberately or inadvertently, into the animal feed chain. Ineffective separation and staining of SBO as soon as it is removed from the carcass is significantly undermining these controls. A frequent excuse given to SVS staff by slaughterhouse operators has been that the correct stain is not available, but checks with the manufacturers have confirmed that supplies of Patent Blue V have been freely available all this year. We therefore see no reason why SBO should not be properly stained at all slaughterhouses and headboning plants in Great Britain and I would appreciate you asking your staff to insist that this legal requirement is complied with without further delay.

In view of the deficiencies that we have encountered, I have asked SVS staff to bring forward the date of their next visit to slaughterhouses and head boning plants. During the period 31 May–23 June they will make an unannounced visit to each slaughterhouse and head boning plant in Great Britain to check on the separation and staining of SBO. If they notice any shortcomings, they will notify the official Veterinary Surgeon in writing, copying the letter to his or her Regional manager. Naturally, SVS staff will not interfere directly in the operation of the plant as this is properly the responsibility of MHS staff. Where problems are encountered, however, SVS staff will make a second unannounced visit in the following two weeks. If problems are still encountered, the MHS will be asked to consider taking a prosecution.\[1462\]

4.450 The action foreshadowed by Dr Cawthorne was implemented with the issue of AHC 95/74 on 19 May 1995.\[1463\] The circular explained that the 1995 Regulations required that SBO be stained with Patent Blue V. It noted that recent surveillance at rendering plants had shown that some SBO was not being stained in accordance
with the 1995 Regulations. The AHC stated that every slaughterhouse known to
handle bovine material was to receive an unannounced visit between 31 May and
23 June 1995, even if it had only recently received a routine visit. Each visit was to
be undertaken by a VO, preferably accompanied by the AHO responsible for
ongoing routine visits to the premises. SVS staff were to remain ‘sensitive to the
fact that MHS staff are responsible for enforcing the Regulations’. The AHC
required that on each visit the VO should tour the premises, in the company of the
OVS if he or she was present, and examine all aspects of the separation and staining
of SBO, making the usual checks. In addition, the VO was to check the following:

That the plant possesses stocks of Patent Blue V and that it is being applied
adequately, at the correct concentration by a member of the plant staff.

That any SBO in storage awaiting transport has been stained properly. This
will give an indication of the quality of staining in the hours preceding the
visit.

That Patent Blue V is only used to stain material that is SBO or is being
mixed with SBO. 1464

4.451 Any evidence of SBO being separated or stained incorrectly was to be
notified to the OVS in writing and the need to have the deficiency corrected as soon
as possible drawn to their attention. In addition, any premises found not to be
separating or staining SBO correctly, was to receive a second unannounced visit by
SVS staff, approximately two weeks later. If defects were found during the follow-
up visit, a letter was to be written to the OVS recommending that the MHS consider
a prosecution of the slaughterhouse operator and to be copied to SVO Tolworth. 1465

The use of bovine spinal cord and gelatine in animal feed

4.452 Gelatine is manufactured from the bones and hides of animals including
bovines. The process by which it is produced is described in vol. 13: Industry,
Processes and Controls. Consideration by SEAC of the safety of gelatine in human
food and medicines is described in vol. 11: Scientists after Southwood. Following
the introduction of the ruminant feed ban in 1988, the use of gelatine derived from
ruminants in ruminant rations was banned. Despite this, relevant scientific advice
provided to the EC did not regard gelatine as posing a significant risk to animal or
human health. On 7 February 1992 a report of the EC Scientific Veterinary
Committee sub-Group on BSE, which assessed the risks from gelatine, was
adopted. The report concluded that:

Whatever the tissue source (bone or hide) there is negligible risk from
trading gelatine for technical use, for consumption or for use in cosmetics.
Additional guarantees are therefore not necessary. 1466

4.453 On 27 June 1994 Commission Decision 94/381/EC was introduced,
prohibiting the feeding of protein derived from mammalian tissues to ruminant
species. 1467 The effect of this Decision was to ban the inclusion of gelatine in

1464 YB95/5.19/1,2 para. 7
1465 YB95/5.19/1,2 paras 8 and 10
1466 SEAC 19 tab 12
1467 L4A tab 1
ruminant rations. However, it appears that the reversal of the Commission’s position on gelatine was made in error. On recognition of this fact, the Scientific Veterinary Committee subsequently recommended that gelatine (along with a number of other products) should be specifically exempted from Decision 94/381/EC (see Commission Decision 95/60/EC below).

4.454 The use of gelatine in ruminant feed was raised at a meeting on 30 January 1995 between representatives of UKASTA and Mr Howard, Mr Fleetwood and Dr Matthews. In the course of the discussion, UKASTA’s minute of the meeting records that the potential inclusion of gelatine in ruminant rations was raised:

It was noted that this product [gelatine], which could be present in by-products of the human food industry used as an ingredient in animal feedingstuffs, contained protein, some of which could come from ruminant animals and was banned under current legislation [the ruminant feed ban]. UKASTA was to write further to MAFF on this subject. Recognising the legal position, MAFF agreed to look at this saying that further advice from the SEAC might be sought but the case would need to be supported by scientific evidence. 

4.455 Miss Nelson, Feed Manager of UKASTA, subsequently wrote to Mr Fleetwood expressing UKASTA’s extreme concern at the assertion that the inclusion of gelatine in ruminant feed was banned. She went on to describe the vital ingredients used in animal feed which potentially contained gelatine:

... gelatine is used in many human foods which are, when downgraded, subsequently recycled into animal feed, including ruminants. More critically, however, permitted additives such as vitamins A and D3 are on a gelatine beadlet. Also, we are not in a position to say whether any other feed additives contain gelatine ...

With regard to down-graded human food in ruminant feedingstuffs, we believe that these products would amount to between 100–150,000 tonnes of raw materials per annum. We do not know how much gelatine is used in total but we have been informed that some of these human food products contain 2.5% gelatine. The use of these materials has the effect of reducing the cost of ruminant feeds to farmers by approximately £1 million per annum.

4.456 Miss Nelson asked that the position on the use of gelatine be clarified by MAFF, appropriate advice given and that SEAC’s opinion be sought.

4.457 Commission Decision 95/60 was introduced on 6 March 1995. It amended Commission Decision 94/381 to permit the inclusion of gelatine (amongst other things) in all feed.

4.458 Also on 6 March 1995, Mr Eddy wrote to Mr Waldegrave informing him of the problem and that UKASTA estimated that 100–150,000 tonnes of material

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1468 Dr Cooke, Dr Vernon and Miss Nelson
1469 YB95/1.30/2.3
1470 YB95/2.15/3.1
1471 YB95/2.15/3.1
1472 L4A tab 5
containing gelatine were used in ruminant feedstuffs each year. Mr Eddy made the following recommendation:

It is proposed therefore as a first step to write to UKASTA as soon as possible confirming that gelatine from mammalians cannot be used in ruminant feedingstuffs. That is clearly the current legal position and UKASTA must be alerted to the need to comply with UK and EC law on this . . .

The EC Commission have not acted on this yet but we propose raising this with them informally . . . It may well be an issue which would affect other Member States and would best be introduced as a Commission response to the scientific advice to meet an EC wide problem.1473

4.459 On 15 March 1995 Mr Eddy sent a minute to the Ministers and officials in MAFF, DH and the territories. In the minute he provided a summary of the previous consideration of gelatine by SEAC and the Scientific Veterinary Committee of the European Community in 1992.1474 He stated that in each case the relevant committee had concluded that the risks from gelatine were negligible.1475 He informed the Minister that:

A separate note is due to come forward shortly on proposed changes to the rules for handling SBOs which would lead to an end to the practice of removing brains from skulls. This would remove the one main concern the SEAC had in 1992 about the use of gelatine even for high risk pharmaceutical products and should help them to be even more sure that gelatine is not a risk in animal feed, but we clearly cannot anticipate their advice until they have been consulted.1476

4.460 In an attached note on BSE and gelatine, Mr Eddy set out the position under EC law. He recorded that in late 1994 the Standing Veterinary Committee had considered the position of gelatine, in respect of the ban on the inclusion of mammalian protein in ruminant feed, and had unanimously decided that gelatine posed a negligible risk.

4.461 Mr Eddy sent a minute on 26 April 1995 to Mr Meldrum, Mr Baker and Mr K Taylor, Mrs Brown and Dr Cawthorne, among others. He set out SEAC’s position on the use of bovine skulls and spinal column, which might contain residues of nervous tissue, in the manufacture of gelatine for use in animal feed:

The position as put by Dr Tyrrell is that the risk of some nervous tissue contaminating bone exists with the backbone as well as the skull and if we are concerned about the use of skull to produce gelatine for animal feed we should be equally concerned with the use of the backbone. He is willing to accept that there might be an argument that it is more difficult to remove the base of the brain from the skull and that the risk of cross-contamination is greater but that we cannot completely exclude any risk from the backbone.1477

1473 YB95/3.6/5.2
1474 YB95/3.15/4.1
1475 YB95/03.15/4.3 para. 4
1476 YB95/3.15/4.2
1477 YB95/4.26/1.1–1.2
4.462 On 22 May 1995 Mr Meldrum and others in MAFF met to discuss gelatine and, in particular, ‘whether skulls and vertebrae should be excluded from its production if it was to be used for ruminant feed’.1478 Two days later, Dr Cawthorne informed Mr Hewson and Mr Fleetwood of concerns which had been raised at the meeting about the removal of spinal cord from vertebrae (see vol. 6: Human Health, 1989–96 for consideration of spinal cord removal). He reported that:

Skulls present no problem as they will effectively become SBO when the new SBO Order is introduced in a few months time. The position on vertebrae is rather different and the CVO was anxious to ensure that spinal cord is properly removed from vertebrae during the slaughtering process, that meat inspectors should take particular note of this operation and prevent carcasses/parts of carcasses in which spinal cord was still in evidence in the vertebral column from entering the human/animal feed chains.1479

4.463 He noted that instructions issued to the MHS regarding SBO collection and disposal did not specifically focus on spinal cord removal, and suggested writing to Mr Corrigan on this as a matter of priority (see vol. 6: Human Health, 1989–96).1480

4.464 On 2 June 1995 Mr Hewson minuted Mr Corrigan about the measures that could be taken to ensure that spinal cord was properly removed from bovine vertebral column that might be used in gelatine production for animal feed. Mr Hewson thought that MHIs were ideally placed to check on the proper removal of spinal cord, as the Fresh Meat (Hygiene and Inspection) Regulations 1995 required that each carcass be inspected after it was split. He recommended that MHIs should draw any incomplete removal to the attention of the slaughterhouse operator, and ensure that the carcass did not leave the premises without proper removal of the spinal cord being carried out.1481

4.465 Accordingly, on 5 June 1995 Mr Corrigan circulated an MHS Information Note to all MHIs and OVSs, drawing their attention to the relevant provisions of the Bovine Offal (Prohibition) Regulations 1989. He emphasised that MHIs should draw the attention of the operator to any incomplete removal of spinal cord, and ensure that the carcass did not leave the premises without proper removal of the spinal cord.1482

4.466 On 12 June 1995 Mr Eddy put forward a submission to Mrs Browning copied to Mr Waldegrave and to senior MAFF officials. He noted:

The CVO has recently become concerned about the possibility that there could be a loophole allowing SBO to enter the food chain for animals through knacker’s yards and hunt kennels. In particular he is concerned about the adequacy of removal of the spinal cord from the vertebral column . . .

In slaughterhouses we are reasonably confident that the spinal cord is properly removed. The Meat Hygiene Service are present on a routine basis and have clear instructions to give priority to ensuring that this is done. In
knacker’s yards and hunt kennels there is no routine presence and the main oversight is from a monthly visit from the State Veterinary Service. Secondly one has to recognise that in some cases it may be more difficult to ensure complete removal of the spinal cord in the type of carcass handled in knacker’s yards and hunt kennels. In cases where animals have been dead for some time decay may have already set in and this could make it more difficult to separate the tissues than in freshly killed and dressed animals which are the only ones handled in slaughterhouses. On balance therefore the CVO now feels that we need to extend the prohibition on skulls to a prohibition on the splitting of the vertebral column and removal of the spinal cord in animals being processed in hunt kennels or knacker’s yards.1483

4.467 The concern over the inclusion of gelatine in animal feed led to a paper on its use in ruminant feedstuffs being submitted to SEAC for consideration at its meeting on 21 June 1995.1484 When SEAC had considered the issue of gelatine in 1992, the discussion was limited to its inclusion in pharmaceutical products rather than in human or animal foods. SEAC was asked to agree to an exemption allowing the use of gelatine in ruminant feed, in line with EU Commission Decision 95/60/EC. The minutes of the meeting record that it had been recognised that the position was a delicate one as the existing ban was being inadvertently breached. Dr Kimberlin noted that the issue really concerned SBOs and the ‘logic hinged on the proper removal’ of them. ‘If this was not being done satisfactorily, there was a risk.’ Particular concerns were raised about the removal of brain from the skull, which SEAC was informed would be addressed by proposed legislation, and the removal of spinal cord, which Mr Eddy said would be prohibited in knackeries and hunt kennels following the introduction of the new orders. Dr Tyrrell drew attention to the wider implications of the issue and queried whether the Committee could rely on the tightening of the SBO regulations. SEAC’s agreement to the exemption was subject to adequate controls on SBO. A holding position was taken until the new SBO orders were in place and there was satisfactory feedback on slaughterhouse practices.1485

4.468 On 27 June 1995 Dr Kimberlin wrote to Mr Eddy, in his capacity as ‘an independent MAFF consultant rather than as a member of SEAC, so as to avoid having to discuss the matter with colleagues’. He made suggestions for improving the monitoring of the SBO regulations. Dr Kimberlin noted that the brain and the spinal cord were by far the most infective of the SBO tissues. He was concerned that recording the weight of all the SBO removed in a slaughterhouse at the end of the day did not take into account the disparity in the weights of the different tissues. The total weight would be dominated by the intestines, and absence of the lighter but more infective brain and spinal cord would not be noticed. He suggested that monitoring of the SBO ban should concentrate on the measurement of the weight of brain and spinal cord removed from carcasses. In conclusion he said:

Neither I nor anyone else would find it easy to justify a relaxation of the beef trade rules without really sound data to indicate that the SBO ban is being implemented fully. Good collection and staining records of spinal cords, the number of bovine heads, plus the combined weights of other offals would be an excellent way to address this problem.1486

1483 YB95/6.12/2.1-2.2
1484 SEAC 19 tab 1
1485 YB95/6.21/2.5
1486 YB95/6.27/3.4
Mr Fleetwood, who had received Dr Kimberlin’s letter, wrote to Dr Cawthorne on 30 June 1995. He said that he believed that the proposed new SBO Order would adequately address concerns about bovine brains. With regard to the spinal cord, he noted with interest the suggestion that its removal should be audited by virtue of a separate weight tally. Mr Fleetwood thought that the removal of spinal cord was a simple matter for MHS inspectors to check under existing arrangements.1487

On 4 July 1995 Mr Eddy also wrote to Dr Cawthorne. He stressed that the problems associated with spinal cord did not end at the point at which it was removed from the carcass:

In order to be able to demonstrate that there is no risk to public or indeed to animal health, particularly I suspect the latter, it needs to be shown that all of those spinal cords are properly treated as SBOs and can’t end up for rendering or worse for fat reclamation.1488

Dr Cawthorne replied two days later, agreeing that it was vital that brain and spinal cord were ‘somehow singled out for particular attention’. However, he did not want to focus only on them and ignore the legislative requirements in relation to intestines. He suspected that greater opportunities existed to circumvent legislative controls on their disposal than existed with the other classes of SBO. He was most concerned to address the ‘obvious fault’ detected in the recent survey of SBO collection and disposal in slaughterhouses (presumably the deficiencies in separation and staining of SBO) through direct approaches to the MHS and follow up surveys by SVS staff.1489

The Specified Bovine Offal Order 1995, which came into force on 15 August 1995 (see paragraph 4.526 below), prohibited the removal of spinal cord except in a slaughterhouse or for the purposes of veterinary scientific examination.1490 The consequence for knacker’s yards and hunt kennels was that all bovine vertebral columns were now effectively SBO, by virtue of the presence of the spinal cord, and could no longer legally be used in animal feed. The 1995 Order also provided that the skull of a bovine animal over 6 months of age was to be disposed of as SBO. This effectively prevented the skull from being used for the purpose of the production of gelatine.

Following reassurances from MAFF, SEAC agreed that gelatine could be regarded as free of SBO and therefore approved the exemption allowing gelatine to be used in animal feed at its meeting in September.1491 SEAC reconsidered this advice at its meeting in November 1995, following discovery of problems of compliance with SBO controls.1492 SEAC considered a further paper on gelatine manufacturing processes at its meeting on 8 March 1996.1493 The Committee was satisfied that the manufacturing process was adequate to reduce any risk of contamination by BSE to a negligible level (see vol. 11: Scientists after Southwood).1494

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1487 YB95/6.30/3.1
1488 YB95/7.04/2.1
1489 YB95/7.06/9.1
1490 L2 tab 13 article 11
1491 YB95/9.18/2.2; YB95/9.8/2.4
1492 YB95/11.23/1.5
1493 SEAC 25 tab 7
1494 YB96/3.81/1.10 para. 40
Gelatine was expressly excluded from the definition of ‘protein’ under the Bovine Spongiform Encephalopathy Order 1996, which came into force on 1 August 1996, thus allowing for its inclusion in foods for ruminants.\textsuperscript{1495}

Mr Eddy has informed the Inquiry that after March 1996, research revealed that lower levels of inactivation were achieved in the gelatine manufacturing process than initially thought. Mr Eddy said:

\begin{quote}
You will also wish to be aware of the fact that the assessments were based on studies undertaken for the gelatine manufacturers in Europe by a private research contractor and that further work by this group resulted in reassessment indicating rather lower levels of inactivation in the gelatine manufacturing process. This arose after March 1996 and neither I, nor, as far as I am aware, anyone in this Department or, I believe, anyone on SEAC, would have been aware of those results at an earlier time when the risk assessments were undertaken or when SEAC’s pre-March 1996 discussions were taking place on gelatine. At present all gelatine for food, animal feed, pharmaceutical and cosmetic use manufactured in the United Kingdom is produced from imported raw material or non bovine material. Bovine raw material is still used to manufacture gelatine for technical purposes, primarily photographic film. This is in order to meet EU export standards which in this sector apply to UK domestic production for practical reasons.\textsuperscript{1496}
\end{quote}

Consideration of the implications of the inclusion of gelatine in animal feed is discussed in Chapter 2 of this volume.

**Mr Carrigan alleges that people are ‘cheating’ with SBO**

On 12 June 1995 Mr Meldrum received a letter from Mr Peter Carrigan, whose company operated gut rooms in slaughterhouses under contract, regarding perceived gaps in the SBO legislation. Mr Carrigan wrote:

\begin{quote}
Put simply, people have cheated, and will continue to do so because the legislation, updated though it may be, has gaps in it large enough to accommodate a horse and cart. Because of that S.B.O. will still be included in ‘meal’ and the cycle remains unbroken.\textsuperscript{1497}
\end{quote}

Mr Carrigan described some of the practices that might conceivably be employed by unscrupulous slaughterhouses disposing of intestines, in order to ‘fix’ the weight calculations designed to ensure that the correct amount of SBO was seen to be removed from slaughterhouses.

Mr Carrigan said in a statement to the Inquiry that:

\begin{quote}
. . . there were companies, including my own, which were entirely scrupulous in the handling of [SBO] materials. There were however others, contractors and renderers alike, who continued to handle [SBO] as if regulations did not exist. Indeed for as effective as the MAFF inspections
\end{quote}
and policing of abattoirs and rendering plants were undertaken, the regulations might not have existed at all.\textsuperscript{1498}

\textbf{4.480} In a minute to Mr Taylor on 26 June 1995, Dr Cawthorne discussed a draft response to Mr Carrigan’s letter.\textsuperscript{1499}

\textbf{4.481} Dr Cawthorne recognised that Mr Carrigan had a ‘good point’ about the possibility of fraud and suggested a number of measures that could be built into SVS/MHS standing instructions, to counter the possibility of fraud. Dr Cawthorne’s minute ended:

\begin{quote}
It goes without saying that we rely heavily on MHS staff to police the regulations in slaughterhouses. If we can’t rely on them to enforce them and be alert to fraud, we will never get on top of the problem.\textsuperscript{1500}
\end{quote}

\textbf{4.482} Ultimately, it was Mr Meldrum who, on 28 June 1995, responded to Mr Carrigan. He explained that the use of weight checks was only one of a number of measures which had been introduced or were proposed for the control of SBO. He continued:

\begin{quote}
We will seek to ensure that correct removal and storage of SBO at slaughterhouses will be rigorously enforced by Meat Hygiene Service staff and that MAFF State Veterinary Service staff carry out regular, spot checks of all other points in the collection and disposal chain to monitor compliance.\textsuperscript{1501}
\end{quote}

\textbf{4.483} A meeting to discuss SBO controls was held on 30 June 1995 between MAFF officials and representatives of UKRA and Prosper De Mulder. Mr K Taylor noted that the new SBO Order would tighten up procedures throughout the disposal chain and would also affect hunt kennels and knackers. A note of the meeting recorded that:

\begin{quote}
In response UKRA felt that they were doing as good a job as possible in the circumstances and voiced their concerns that the staining of material with Patent Blue in slaughterhouses is inadequately policed. PDM felt that the SBO legislation had never been policed to a satisfactory degree.\textsuperscript{1502}
\end{quote}

\textbf{4.484} UKRA raised two concerns in relation to the consultation letter issued on 9 May on the proposed SBO changes:

First, they were concerned about the increase in quantity which the inclusion of skulls as SBO would bring about – estimated about 20%. UKRA needed to know where the goalposts were in relation to definition of SBO in deciding plant size . . .

UKRA’s second concern was the fact that those companies wishing to install dedicated SBO lines would have a long lead in time before the equipment is delivered . . . They also said that no company would be prepared to install
costly equipment until it is clear what exactly is required in the way of
dedicated lines or dedicated plants . . .

. . . MAFF asked that individual companies should, preferably within the
next ten days, prepare costings and an estimate of the timescale for
installation at their plant(s). On receipt of this commercially confidential
information MAFF would assess the overall situation and decide on the best
way forward.1503

Results of the SVS visits: ‘widespread and flagrant infringement’

4.485 On 4 July 1995 Mr Fleetwood sent Mr Meldrum the summary of returns for
the period of national surveillance undertaken at slaughterhouses between 31 May
and 23 June, pursuant to AHC 95/74. Of the 392 slaughterhouses visited, failure to
comply fully with the rules on SBO staining were found in 65 per cent, and failure
to comply fully with the SBO separation requirements were found in 14 per cent.
The survey supported observations from the field that ‘significant amounts of SBO
[had] been leaving slaughterhouses . . . either inadequately or incorrectly stained, or
not stained at all’.1504 Mr Fleetwood noted that some of the problems seemed to have
arisen recently as a consequence of the requirement to change from Black PN to
Patent Blue V, but that this did not seem to be an ‘adequate explanation for those
premises that [were] failing to stain at all’.1505

4.486 Problems concerning separation of SBO were less extensive but more
serious. The following examples were given:

SBOs are separated but then mixed with other offals and presumably
rendered for animal feed or melted for fat . . . brain and/or spinal cord
appears to be involved.

Plant staff openly indicate that they did not know that most of the intestine
was SBO and mix it with other offal . . .

The amount of SBO consigned off the premises is not consistent with the
number of cattle slaughtered . . .

Unstained SBO was found in unmarked drums . . . and possibly indicate the
problems alleged by [Mr Carrigan].

. . . storage of SBO has been inadequate and may have led to accidental
mixing.1506

4.487 In conclusion, Mr Fleetwood wrote:

The overall impression of this snapshot view of the industry is that there is
widespread and flagrant infringement of the regulations requiring staining of
SBO. Insofar as this may reflect the general attitude of the industry to
controls on SBO, it is of concern. Although the problems with separation are
less extensive, there are grounds for suspecting that the highest risk tissues
(brain and spinal cord) have been mixed with other by products and
processed for animal consumption. The destination of some of the by-
products also process fat into grade 2 tallow and although there is no direct
evidence, it is possible that SBO may have been incorporated in products
rendered into high grade tallow and subsequently used for human
consumption. Apart from these specific problems, a careless attitude to
separation and disposal seems to be prevalent and it is probably leading to
accidents during disposal. \(^{1507}\)

4.488 This report prompted further action within MAFF. Mr Eddy responded with
a minute to Mr Meldrum on 6 July 1995, copied to Mr Haddon, Mr K Taylor,
Dr Cawthorne, Mrs Brown, Mr D Taylor, Mr Fleetwood and others. He expressed
his concern at the extent of the problems identified with separation and staining of
SBO noting:

More than half the plants are not meeting the statutory requirements on
staining, with 96 not staining at all. More important, 60 of the 435 plants
visited are not separating SBO correctly. Of these, in at least 16, there was
no evidence of separation of SBO from other materials. \(^{1508}\)

4.489 He also identified certain problems with enforcement. He stated that the
‘enforcement situation’ had to be ‘tightened up’ and suggested the implementation
of a programme to ‘ensure education of the plant operators and effective operation
of procedures by the MHS’. Discussions with the MHS were also contemplated:

MAFF has bid in PES [Public Expenditure Survey] 1995 for a sum of
£150,000 to the MHS to cover the costs of SBO enforcement but there is no
allocation in the current financial year. Since this amounts to only about half
an hour per month it is possible that the MHS will argue that they need more
resources to be able carry out the operating instructions effectively.
However, in the first instance, we believe we should try and agree with them
a strategy for making the best use of the time available. The top priority
should be to undertake a programme of education with the plant operators to
ensure that they understand fully the requirements of the existing legislation.

... 

The second element is to ensure that the MHS have a clear order of priorities
for enforcement of the SBO controls, paying attention first to the treatment
of brains, then spinal cord, then guts. It may also be necessary, because of
the public health implications, to send SVS staff into slaughterhouses every
every few months to audit the arrangements, at least until we are satisfied that they
are being properly applied and enforced by the MHS. \(^{1509}\)

4.490 Mr Crawford also commented on Mr Fleetwood’s report. On 11 July 1995
he minuted Mr Meldrum expressing extreme concern that the picture painted in the
report differed to such an extent from that of previous reports. He saw it as essential
that the information was made available to field staff, so that they could carry out a
It was found difficult to make any meaningful comment until these investigations were complete, but did suggest that one possible explanation for the difference between this and earlier reports might be that it was based on unannounced visits by VOs, rather than AHOs, who were able to ask ‘more searching questions’ and who may have found deficiencies not present at announced visits. He also noted that the withdrawal of the local authority inspectors, who sometimes applied the stain to SBO, may have also led to a decline in staining.\footnote{YB95/7.11/1.1} Mr Crawford said that SVS field staff had suggested that the MHS staff did not appear to be fully aware of the SBO requirements – ‘If that should be so, it is essential that they are made aware of these requirements in view of their front line role in slaughterhouses and other meat premises’.\footnote{YB95/7.11/1.2}

4.491 On 7 July Dr Cawthorne minuted Mr Meldrum explaining that renderers would require six months to establish dedicated lines for SBO processing:

The 6 month delay may sound overly long but we should bear in mind that there are major problems in slaughterhouses regarding the separation and staining of SBO. Correction of these deficiencies must be given high priority and until we are satisfied that the separation and collection of SBO is taking place in slaughterhouses, the importance of a dedicated processing line is diminished. The other ‘safeguard’ is that all rendering plants processing ruminant material have been validated to the new standard so that even if SBO and a non-SBO are mixed, the degree of inactivation should be relatively high.\footnote{YB95/7.7/3.2}

4.492 On 12 July 1995, AHC 95/101 was issued to all DVOs as an addendum to AHC 95/74. It outlined revised procedures for the follow-up visits to those slaughterhouses where problems had been found with staining or separation of SBO material during the first round of visits. It noted that where divisions had a significant number of second visits to be made, priority should be given to those premises where problems with separation of SBO had occurred. In addition, a weekly summary of the results of all follow-up visits was to be sent to Mr Fleetwood at Tolworth on a weekly basis. It asked that a retrospective return be made for those follow-up visits that had already taken place. It also noted that further instructions would be sent concerning further follow-up visits to premises where problems had been recorded on the initial follow-up (see paragraph 4.522 below).\footnote{YB95/7.12/9.1}

4.493 Mr Douglas Hogg was appointed Minister of Agriculture on 6 July 1995. On 12 July 1995 Mr Eddy put two draft submissions before Mr Packer, the first intended for onward submission to the Parliamentary Secretary, Mrs Browning, inviting her signature to the draft Order. The second submission, intended for Mr Hogg, reported on recent SVS monitoring that had shown widespread failure of slaughterhouses to separate and stain SBO (see paragraph 4.500 below).\footnote{YB95/7.12/2.1–2.16}
4.494 The next day, Mr Packer forwarded both submissions to Mr Hogg and Mrs Browning. In his covering minute, Mr Packer stated that he thought that the submissions made a convincing case that human health was properly protected by existing measures:

However, taken together they seem to me to present real problems of presentation. It may be regarded as unfortunate, for example, to be continuing to introduce more stringent requirements about the treatment of bovine skulls. We do, of course, know now, which we did not know previously, that a very small amount of infected brain can bring about the disease if fed orally, but even so this explanation might not seem wholly convincing to some who might consider the situation should have been properly grasped long since. Equally, the unsatisfactory treatment of specified bovine offal in slaughterhouses reflects an unfortunate state of affairs which has presumably existed for many years. We must expect questions on why we allowed this situation to persist for so long. I would add one further suggestion of my own in relation to the second paper. We should institute a programme of random unannounced spot checks on compliance with the regulations until further notice.

These changes may, therefore, induce some difficult questioning. However, I am satisfied that the measures recommended are all desirable and ought to be pursued with dispatch.

4.495 The first submission on the new SBO Order, inviting Mrs Browning’s signature, set out a background briefing on the Order. It was noted:

The current rules are complicated being made under separate Acts in relation to human and animal health. They also split responsibilities in a rather complex fashion between local authorities and the State Veterinary Service and since April 1995 also with the Meat Hygiene Service.

4.496 It was noted that the new Order would bring together all the provisions in relation to SBO under the one Order made under the Animal Health Act. The main changes were outlined as:

i. a ban on the removal of the brain from the skull of the animal;

ii. a ban on the removal of the spinal cord from the spinal column except in slaughterhouses;

iii. that rendering plants would be required to deal exclusively with SBO or to have dedicated lines dealing with SBO;

iv. the introduction of formal approval for head-boning plants, collection centres, rendering plants, incinerators and those using SBO for technical purposes;

v. the abolition of local authority role in issuing movement permits to slaughterhouses and others for any movement of SBO, to be replaced with an industry obligation to record the weight of material moved;
vi. a ban on the use of tallow derived from SBO in animal feed in line with a recommendation from SEAC.

4.497 The submission also reported on the outcome of the consultation process. It noted that UKRA:

... were concerned about the length of time allowed for consultations and the cost of introducing dedicated lines for SBOs. 1518

4.498 Six months had been allowed for the introduction of new dedicated lines. It was also noted in the submission that Prosper De Mulder had supported the ban on the use of SBO-derived tallow from animal feed and also felt it should be banned from other uses such as soap production. The Licensed Animal Slaughterers and Salvage Association (LASSA) had objected to the ban on the removal of spinal cord at knacker’s yards and hunt kennels, but MAFF did not feel an exception could be justified. 1519

4.499 On the presentation of the Order it was noted:

The original intention had been to play this low key. However in the light of media interest in the effectiveness of the current SBO controls we would now recommend a more high profile approach tied in with the arranged PQ and Press Notice being submitted. 1520

4.500 The second submission informed the Minister of the results of the recent monitoring by SVS staff in slaughterhouses and head-boning plants (see paragraph 4.493 above). It recommended urgent action to rectify failures in the separation and staining of SBO, with prosecutions if necessary. It noted:

The responsibility for compliance with the controls on specified bovine offal rests with slaughterhouse operators. We have been aware for some time of problems of BSE infectivity continuing to enter the animal feed chain, despite the 1988 ban on feeding ruminant protein to ruminants, and the SVS have been working hard to get on top of this. 1521

4.501 The submission noted on the implication of the results, that:

The failure to stain properly is not, in itself, a public or animal health risk, though it increases the risk of SBO material being mixed in with non-SBO material for rendering to produce animal feed. It is also indicative of a degree of laxness in relation to the BSE controls in slaughterhouses which is highly unsatisfactory.

...
Of particular concern are the failures to separate SBO properly from other unfit material in a small but significant percentage of plants. This means that there is a risk that potentially BSE infected material has been included with other material for rendering for use in non-ruminant rations.1522

4.502 The submission continued:

The circumstantial evidence that there might have been indirect contamination of products for human consumption, as a result of material being included in rendering for high grade tallow should not be overstated. Even if this were to be the case (which we cannot prove) the processing itself would be effective in destroying any contamination. The implications of the failures in the controls are therefore for animal health, not human health. Ministers have based the reassurance they have provided to consumers on the fact that the UK legislation effectively prevents any potentially infective material from entering the human food chain. It is therefore essential that any potential problems of control in this area are resolved immediately.1523

4.503 A meeting was held on 18 July 1995 to discuss the two submissions. It was attended by Mr Hogg, Mrs Browning, Mr Packer, Mr Eddy, Mr Carden, Mr Meldrum, Mr Haddon, Mr Taylor, Mr Haslam (MAFF Director of Information), Mr Fleetwood, Miss Wordley and Miss A Evans.1524 Mr Hogg agreed to the proposal requiring dedicated rendering lines for SBO processing, after a six-month transitional period, commenting that:

. . . were there to be any risk to human health it would be necessary to take immediate action. However, this was not the position here, although there was a small risk to animal health. However, the costs of introducing these measures without a transitional period probably outweighed the nature and level of the risk to animal health which would ensue in the transitional period.1525

4.504 In relation to slaughterhouses, Mr Meldrum reiterated that ‘there was no public health problem [in slaughterhouses or rendering plants], there was [no] question of SBOs entering the human food-chain, the risk was of cross-contamination of animal feed’.1526 The Minister agreed to all of the proposals in relation to slaughterhouses, on the basis that:

The collection of measures recommended in the submissions; better enforcement at slaughterhouses, the recently introduced revised heat treatment in rendering, coupled with separate feedlines . . . and the availability of the new ELISA test enabling the industry to identify possible cases of cross-contamination should reduce considerably the already small risks of feed contamination.1527

4.505 It was agreed that several steps should be taken to publicise the newly agreed Order and the findings regarding compliance with the SBO regulations in slaughterhouses. These included a Parliamentary Question, a ‘low-key background

1522 YB95/7.13/7.11
1523 YB95/7.13/7.11–7.12
1524 YB95/7.20/5.1
1525 YB95/7.20/5.2 para. 4
1526 YB95/7.20/5.3 para. 6
1527 YB95/7.20/5.3 para. 7
press briefing’ and letters to key MPs, including the Opposition parties’ spokesmen
and the Chairman of the Agriculture Select Committee. Mr Hogg gave instructions
that:

. . . it was important that the Department of Health were fully in the picture
and that the Chief Medical Officer would if necessary reiterate that there
were no public health implications. It would also be important to notify the
Commission and Germany of the changes.1528

4.506 Notification was sent to the European Commission on the day after the
meeting. The letter explained the slaughterhouse findings at some length and
informed the Commission:

In line with the Government’s policy of openness on BSE the unsatisfactory
position has been announced to the UK Parliament and the Parliamentary
Reply will be issued in the form of a Press Notice.1529

4.507 MAFF’s news release on 19 July 1995 stated:

A strengthening of the rules for preventing tissue potentially infected with
the BSE agent from entering the cattle feed chain was announced today by
Agriculture Minister Douglas Hogg. The Ministry has also indicated that
there is room for improvement in the application of the current rules in some
slaughterhouses and further action is under way to deal with this.

Mr Hogg emphasised that there were no implications for the human feed
chain in these findings and that measures to protect human health were found
to be working effectively in all cases.

. . .

It is clear from the surveillance of slaughterhouses and head-boning plants
that has been undertaken by my officials since the Government took over full
responsibility for control of such premises in April this year, that current
practice on the separation and staining of the specified bovine offals can be
improved. Most of the failings we have identified are comparatively minor
in nature – for instance using the wrong stain – and plant operators have been
given clear instructions on what they must do to put things right. But some
could have resulted in BSE infected material entering the animal feed chain.
Further follow up visits are being made to ensure that the faults have been
rectified. Where failings are not corrected we are prepared to bring
prosecutions if necessary.1530

Surveillance by the MHS under review

4.508 The performance of the MHS, which had been operating since 1 April 1995,
was coming under increasing scrutiny. In a statement to the Inquiry, Mr Peter
Soul1531 said that it was clear that many local authority staff working in licensed

1528 YB95/7.20/5.3
1529 YB95/7.19/7.1
1530 YB95/7.19/6.1–6.2
slaughterhouses had not been trained in enforcement and had not had an enforcement culture instilled in them. Most of these individuals transferred into the MHS on 1 April 1995. Mr Soul stated that the MHS management was faced with a major challenge to change the culture of these employees to achieve effective enforcement of all the legislation, not just the 1989 SBO Regulations. The cultural change would be achieved by various training initiatives, better, clearer and more comprehensive instructions, more effective management, incentives in key areas, the introduction of quality systems and audits and a strict, firm but fair disciplinary code for all MHS staff.1532

4.509 On 13 July 1995 Mr Corrigan sent a memorandum to all MHS Regional Managers and all POVSs, OVSs, MHIs and ARMs, regarding the SBO controls. He enclosed a copy of a ‘Control of SBO Responsibility Check List’, requesting that necessary steps be taken to ensure that members of the MHS teams, as well as relevant slaughterhouse personnel, were made fully aware of the detail and requirements of the SBO controls and that the controls were fully complied with.1533

4.510 On 18 July 1995 a meeting to discuss SBO disposal was attended by Mr Meldrum, Mr Crawford, Mr Haddon, Mr K Taylor, Dr Cawthorne, Mr D Taylor, Mr Eddy, and Mr McNeill and Mr Corrigan of the MHS. The meeting agreed on a system for an integrated approach to SBO enforcement by the SVS and the MHS. This was to include:

i. a second visit and any deficiencies confirmed in writing to the MHS Head of Operations;

ii. the Head of Operations would then write to the management of the premises confirming deficiencies;

iii. a third visit to the premises by an RMHA or VO accompanied by a POVS. If serious deficiencies remained, Investigation Branch would be notified;

iv. if Investigation Branch recommended prosecution, then the Minister would be consulted.1534

4.511 Mr K Taylor agreed to draft proposals for checking, by weight, the amount of spinal cord removed from beef carcasses for the daily throughput of each slaughterhouse. Mr Corrigan agreed to prepare additions to the MHS reporting systems to ensure the daily checking and recording of SBO disposal.1535

4.512 Dr Cawthorne wrote to all DVOs on 20 July 1995 amending AHC 95/101. He noted that letters reporting faults which had been found at second visits to slaughterhouses were now to be sent to Mr Corrigan at the MHS instead of to the OVSs of the plant. He explained that the reason for the change was in response to the MHS’s desire to become directly involved in the separation and disposal of SBO. He reminded DVOs that the position in relation to extra follow-up visits was still being clarified and subsequent instructions would be issued.1536

4.513 On 25 July 1995 Mr K Taylor wrote to Mr Corrigan regarding SBO compliance in slaughterhouses. Mr Taylor reported that:

1532 S88 Soul paras 4.4.3 – 4.4.5
1533 YB95/7.13/2.1–2.2
1534 YB95/7.18/5.1
1535 YB95/7.18/5.1–5.2; see also YB95/7.18/4.1
1536 YB95/7.20/2.1
... despite our various control measures there have now been more than 20,000 cases of BSE confirmed in cattle born after the imposition of the ban on feeding ruminant protein to ruminant animals in July 1988. The effectiveness of that ban should have been reinforced by the extension in September 1990 of the SBO ban from human to animal feed, which was intended to prevent transmission to non-ruminant species but should, incidentally, have reduced the effect of any contravention of the ruminant feed ban. As at 30th June 1995 BSE had been confirmed in 468 cattle born after 30 September 1990.\(^\text{1537}\)

**4.514** Mr Taylor stated that the EC Scientific Veterinary Committee in Brussels and SEAC were ‘increasingly reluctant to accept general statements of intent’ about proper implementation of the controls, and were ‘beginning to demand some form of proof that what we say should happen actually does happen – not just sometimes, but always’.\(^\text{1538}\)

### Second round of SVS visits

**4.515** In the meantime, results were becoming available from the second round of visits by SVS staff which were made pursuant to AHC 95/101 to check on separation and staining of SBO in slaughterhouses. On 19 July 1995 Mr Fleetwood provided Mr Meldrum with a brief progress report. He reported that, in the vast majority of cases, problems which had led to a second visit had now been addressed. In premises where improper separation had been identified, 91 per cent had rectified them and 79 per cent of premises where staining problems were identified had now corrected them.\(^\text{1539}\)

**4.516** On 28 July 1995 Mr Fleetwood sent interim results of the visits to Mr Corrigan at the MHS.\(^\text{1540}\) His report highlighted a number of outstanding problems. In the light of these results, Mr Fleetwood suggested that a variety of different approaches might be needed, depending on the nature of the problem in a particular slaughterhouse. Where there were problems that stemmed from failure to obtain the stain or confusion about staining requirements, rather than problems that endangered human health, Mr Fleetwood favoured an educational approach. Where a ‘bloody minded’ attitude had been identified with slaughterhouse operators refusing to use the correct stain, Mr Fleetwood suggested that immediate steps should be taken to prosecute. For future visits, Mr Fleetwood thought it best that MHS take the lead, but he wanted SVS staff to attend so that they could report back, and also report on the outcome of any follow-up visits.

**4.517** More results were received by 3 August 1995, when Mr Fleetwood sent an update to Mr K Taylor and Mr Eddy. His minute was copied to Mr Meldrum, Dr Cawthorne, Mr Soul, Mr Hewson, Miss Coales and Mr Lackenby. It dealt mostly with human health matters, but reported that more than a third of the slaughterhouses visited were still not staining SBO properly: in many cases, the problem was simply that the stain had been ordered but not yet received, but some operators had ‘not bothered to order stain despite receiving explicit instructions in writing’.\(^\text{1541}\)

\(^{1537}\) YB95/7.25/3.1  
\(^{1538}\) YB95/7.25/3.2  
\(^{1539}\) YB95/7.19/3.1  
\(^{1540}\) YB95/8.03/2.1  
\(^{1541}\) YB95/8.03/2.1
A minute to Mr Eddy the following day recorded a BSE briefing meeting with Mr Hogg held earlier in the week. Mr Hogg had expressed concern about the outcome of the second round of visits to slaughterhouses. He agreed that in general terms the approach outlined by Mr Carden should be pursued, namely:

(i) tightening up the rules whenever there was evidence that action was needed;

(ii) tightening up enforcement; [and]

(iii) making prosecutions when companies repeatedly infringed the legislation.

[Mr Hogg] commented that we should certainly not shrink from (iii). 1542

In a submission to Mrs Browning dated 7 August 1995, Mr Eddy discussed the animal health issues arising out of the second round of SVS visits:

3. . . . Some premises had ordered but not yet received the new stain for specified bovine offals, and some were still genuinely confused about the rules. The MHS are working with those plant operators to ensure that the right procedures are put in place as soon as possible and we expect these problems to be resolved quickly. Three operators are however refusing to buy and use the new stain and we have told the MHS that immediate steps should be taken with a view to begin prosecution proceedings.

4. A third round of unannounced visits to plants where it is not clear that all problems have now been resolved will be undertaken shortly which will, if necessary, be used to collect evidence for prosecution. The results of these visits will be available in September, when an overall report will be made to Ministers. No decisions on prosecution will be taken without consulting Ministers.1543

Mrs Browning’s response is recorded as follows:

Mrs Browning is keen to see para 3 implemented quickly, & has commented that she wishes to be alerted to any problems that arise with this or other BSE-related matters.1544

Time and temperature checks at rendering plants

On 23 June 1995, AHC 95/97 was issued to all SVS staff noting that, during quarterly visits to rendering plants validated under the EC Decision 94/382, SVS officers should inspect the time and temperature records of the plant. Where incomplete or inadequate conditions were recorded, reports should be made to the SVO (Protein Processing) Tolworth.1545
The third round of SVS visits

4.522 AHC 95/119, providing further instructions referred to in AHC 95/101 (see paragraph 4.492 above), was issued to all SVS staff on 8 August 1995. It noted that premises that had recorded an unsatisfactory result in the surveillance of separation and staining of SBOs on the second round of visits to slaughterhouses were now to receive further attention from senior MHS staff who would take action to correct faults (including prosecution where appropriate). Where MHS staff made a special visit to any of the premises in respect of SBO, SVS staff were to accompany them as observers. Any action taken by the MHS was to be notified to the SVO, Tolworth. The circular also noted that premises at which satisfactory results had been recorded, following the identification of an initial problem, should revert to normal routine visits.1546

4.523 Mr Fleetwood wrote to Mr Soul of the MHS on the same day noting that Ministers were ‘expecting a robust and co-ordinated response’, and did not want the MHS to ‘shrink from taking prosecutions against those companies who do not put their house in order within a reasonable time’.1547

4.524 On 11 August 1995 Mrs Brown of the Meat Hygiene Division wrote to Mr Eddy about the respective roles of her Division and the Animal Health (Disease Control) Division under the new MHS Agency arrangements:

Policy responsibility for BSE lies with AH(DC) and it is your Division and your veterinary advisers, not MHD and the MHVS, who are the ‘customers’ for the MHS’s enforcement services in relation to SBOs. MHVS as the custodians of the MHS Operations Manual will need to be involved in the mechanics of any amendments to the operating instructions, but it is for your side to decide what the MHS is required to do, to agree with them what the policy should be on prosecutions (bearing in mind the limitations of the previous legislation) and to ensure that the MHS has the resources it needs to carry out the functions you require of it. As you know enforcement of the SBO controls cannot be recharged to the industry under MHD’s charges Regulations.1548

4.525 On 17 August 1995 Mr Robert Jones of Eville and Jones, a veterinary practice providing meat hygiene inspection services as OVSs, wrote to Mr Corrigan summarising the deficiencies found in the slaughterhouses attended by members of his practice.1549 Of the seven slaughterhouses attended throughout Great Britain by members of his practice as at 1 April 1995, incomplete removal of spinal cord or other SBO was reported at five. Inadequate staining and separation of SBO was also noted in a number of cases, as was poor control over movement. In some plants, obvious lymphatic and nervous tissue had not been removed during boning. Bovine intestines had been included in bins of fat and not stained. Pieces of intestine were removed with mesenteric fat and not treated as SBO. The report ended by saying that most of the points outlined had undergone significant improvement over the five months since 1 April 1995 (see vol. 6: Human Health, 1989–96).

1546 YB95/8.08/1.1
1547 YB95/8.08/2.2
1548 YB95/8.07/2.1–2.2; YB95/8.11/1.1–1.2
1549 YB95/8.17/2.1
The Specified Bovine Offal Order 1995

4.526 The Specified Bovine Offal Order 1995 came into force on 15 August 1995. The Order, made under the Animal Health Act 1981, replaced and extended the previous provisions relating to SBO in the Bovine Offal (Prohibition) Regulations 1989 and the BSE Order 1991 which had been made under the Food Act 1984 and the Animal Health Act 1981 respectively. The measures introduced by the 1995 Order included:

Specified Bovine Offal for animal consumption

5.—(1) No person shall sell any specified bovine offal, or any feedingstuff containing specified bovine offal, for feeding to animals.

(2) No person shall use any specified bovine offal in the preparation of any feedingstuff for animals.

(3) No person shall sell any specified bovine offal for use in the preparation of any feedingstuff for animals.

(4) No person shall feed to an animal any specified bovine offal or any feedingstuff containing specified bovine offal.

(5) For the purposes of this article ‘specified bovine offal’ includes anything derived from it other than fatty acids which have been extracted from tallow subjected to thermal hydrolysis at hyperbaric pressure.

Initial treatment of specified bovine offal in a slaughterhouse

6.—(1) When a bovine animal is slaughtered in a slaughterhouse, or slaughtered elsewhere than in a slaughterhouse but brought immediately to a slaughterhouse to be dressed for human consumption, the occupier of the slaughterhouse shall ensure that all specified bovine offal and, in the case of an animal six months old or over, the head are separated from the rest of the carcase.

(2) Subject to the following provisions of this article, the occupier shall ensure that specified bovine offal other than the head is forthwith, and in any event before it is frozen, stained by being treated . . . with . . . Patent Blue V (E131, 1971 Colour Index No. 42051 (a)) in such a way that the colouring is clearly visible over the whole surface of the offal.

(3) The occupier shall ensure that the specified bovine offal does not come into contact with any other animal material while in the slaughterhouse and that it is disposed of in accordance with this Order.
Initial treatment of specified bovine offal elsewhere than in a slaughterhouse

7.—(1) Subject to the following provisions of this article, when specified bovine offal is removed from the carcase of a bovine animal elsewhere than in a slaughterhouse, the occupier of the premises at which the specified bovine offal is removed shall ensure that it is forthwith, and in any event before it is frozen, stained by being treated (whether by immersion, spraying or other application) with a 0.5% weight/volume solution of the colouring agent Patent Blue V . . . in such a way that the colouring is clearly visible over the whole surface of the offal.

(2) The occupier shall ensure that the specified bovine offal does not come into contact with any other animal material while on the premises and that it is disposed of in accordance with this Order.

Prohibition on the removal of the brain and eyes of a bovine animal

10. No person shall remove the brain or eyes from the head of a bovine animal except—

(a) for the purposes of veterinary or scientific examination; and

(b) in a part of the premises kept free at all times from food intended for human consumption; and

(c) after the removal from the head of any meat or bones intended for human consumption,

and after such examination the skull, eyes and brain shall be disposed of as specified bovine offal in accordance with this Order.

Prohibition on the removal of the spinal cord of a bovine animal

11.—(1) No person shall remove the spinal cord from the vertebral column of a bovine animal aged six months or over except in a slaughterhouse or for the purposes of veterinary or scientific examination.

Consignment of specified bovine offal

13.—(1) Subject to articles 14(5), 15(5) and 19(4) below, once specified bovine offal has been removed from the carcase and treated in accordance with this Order, the person responsible for its removal shall, without unreasonable delay, send it directly to—

(a) an approved collection centre;

(b) an approved rendering plant;

(c) premises specified in article 9 above;

(d) an approved incinerator;
(e) in the case of heads, an approved head boning plant for the recovery of meat and bones from the heads; or

(f) any other premises approved by the appropriate Minister which are not connected with the manufacture or preparation of food or feedingstuffs.

(2) Any person consigning specified bovine offal from the place where it was removed from the carcase shall keep a record for two years from the date of consignment of the weight consigned, the date it was consigned and the destination of the specified bovine offal.

Approved Collection Centres

15.–(4) The operator of an approved collection centre shall ensure that all specified bovine offal in the collection centre is kept separate from all other animal material.

Approved rendering plants

17.–(4)... The operator of an approved rendering plant shall ensure that all specified bovine offal in the rendering plant is kept and stored separately from all other material, handled separately from other material and rendered separately from other material.1552

4.527 AHC 95/118 was issued to SVS staff on 8 August attaching a copy of the 1995 Order. It noted that the Order introduced a number of significant new controls on the disposal and processing of SBO. It set out the most significant changes as:

i. the prohibition on the removal of brains and eyes from the heads of bovine animals;

ii. the requirement for mandatory weight-recording and record-keeping by all those generating or disposing of SBO;

iii. the requirement for approval of head-boning plants, collection centres, rendering plants and incineration plants;

iv. the requirement for dedicated SBO facilities at rendering plants; and

v. the requirement that SBO be only incinerated at approved facilities.1553

4.528 The circular also attached a copy of Inset 25A to be brought into use on 15 August 1995. The inset implemented new instructions on the disposal and processing of SBO. The circular drew attention to particular instructions within Inset 25 that DVOs should note:

i. Visits to premises handling and disposing of SBO – The Inset recorded that while frequency of visits to slaughterhouses, head-boning plants, knacker’s yards and hunt kennels remained unchanged, visits to collection centres and rendering plants were to be increased to monthly. There was also a requirement to visit incinerator facilities on a monthly basis and for visits every six months to premises using SBO in manufacturing processes.

1552 L2 tab 13
1553 YB95/08.08/8.1–8.2
ii. **Approval of premises** – The Inset noted the requirement for approval of headboning plants, collection centres, incineration plants and rendering plants. Rendering plants were to be approved by 15 February 1996, while other premises were to be approved by 15 November 1995. It noted that in the meantime there was an obligation on the operators to ensure that SBO did not come into contact with anything that was used in human food or animal feedstuffs.

iii. **Completion of individual visit records** – New forms were provided for individual routine visits to all premises and to facilitate the information being entered onto a computer database.

iv. **Record keeping and returns to Tolworth** – To integrate SBO returns into the VetNet system, the forms were to be used to input the information which should be running from November.

v. **Transport of SBO** – DVOs were to note that the rules concerning the labelling of SBO in transport would affect the transport of heads and brains from suspect cases of BSE.1554

### Final results of the second round of SVS visits

4.529 Having received all results from the second round of SVS visits pursuant to AHC95/101, Dr Cawthorne minuted Mr K Taylor on 22 August 1995. Of the 272 slaughterhouses and head-boning plants visited, separation and staining of SBO was found to be satisfactory in 198, while problems were found in 74. There was inadequate separation of SBO and non-SBO material at five premises, ineffective staining of SBO in 59 premises, and both inadequate separation and inadequate staining at 10 premises. Dr Cawthorne reported that he had spoken to Mr Corrigan and MHS Regional Managers, who had undertaken to provide a statement identifying for each of the 74 plants where inadequate separation and staining was detected:

- (a) [whether] the inadequacies have been corrected;
- (b) if they have not been corrected, why not, identify mitigating circumstances; and
- (c) identify plants which are candidates for prosecution.1555

4.530 SEAC met on 8 September 1995 and discussed the results of SVS visits to slaughterhouses. Its discussions were recorded in Mr Eddy’s minute to Mr Meldrum dated 11 September 1995. The minute was copied to Mr Haddon, Mr K Taylor, Dr Cawthorne, Dr Matthews, Mr Fleetwood, Mr Lackenby, Miss Coales, Mrs Brown and Mr D Taylor. The minute recorded that Mr Fleetwood gave a ‘very clear and convincing exposition of the findings from the final round of intensive visits’ to slaughterhouses. The Committee was reassured by the progress from the first round of visits and by the fact that the SVS was continuing to visit on an unannounced basis. Mr Eddy wrote:
They accepted that we now had a grip on this but the point was made that it would have been better to have done this five years ago and we will clearly have major problems with the Committee unless we can give them constant reassurance that we are keeping up the pressure and that there has been no back sliding.\textsuperscript{1556}

4.531 On 26 September 1995 Mr Corrigan wrote to all MHS Regional Managers, to forward advice that:

i. any outstanding problems identified during the second round of SVS visits had now been rectified; and

ii. the SVS had been instructed to carry out further unannounced visits.\textsuperscript{1557}

4.532 He asked that continued attention be given to SBO controls at all bovine slaughterhouses within each region.

4.533 Meanwhile, on 22 September 1995, Dr Cawthorne minuted Mr Fleetwood, recording their agreement that Mr Fleetwood would provide a monthly summary of SVS visits to slaughterhouses, knacker’s yards and hunt kennels, including a note on any action taken where faults were identified in relation to handling of SBO.\textsuperscript{1558}

4.534 Mr Fleetwood responded on 29 September 1995, and noted on SBO rendering that:

The picture that seems to be emerging is that there has been a significant increase in the amount of SBO for processing (an increase of 100\% at least). This is far more than can be explained by the addition of skulls to the equation and must indicate a significant increase in the amount of other SBOs that are now being handled properly. The amount of SBO being rendered now appears consistent with the national cattle kill.\textsuperscript{1559}

4.535 Mr Fleetwood made the first of his monthly summary reports on 6 October 1995. He tabulated the results for each type of premises, and categorised the reasons why some premises were found to be unsatisfactory. It was noted that this ongoing monitoring involved looking at all aspects of SBO, not just separation and staining. He commented:

The results show a less than satisfactory outcome. I am particularly disappointed with the high failure rate at slaughterhouses, especially in view of the recent efforts made by the SVS . . .

We asked the SVS and MHS to make a special effort with slaughterhouses and it resulted in significant improvements in the industry. However, the latest results suggest that there is much that still needs to be done and in some cases that improvements could be short lived. I believe that a significant change of attitude needs to be shown by the industry if lasting improvements are to occur. I will leave it to others with better knowledge of the industry to decide how this can best be brought about.
Our findings in slaughterhouses also raise questions about the MHS. I do not believe that we should find ourselves in the position of detecting a 48% failure rate on random inspections when MHS enforcement staff are in these premises on a regular basis. The information gathered by the field would allow performance indicators to be set down as part of our MOU with the MHS. For instance, we could set an indicator of no more than 1% failure rate on SVS routine inspections . . .

The situation at knacker’s yards and hunt kennels is clearly unacceptable and I know that SVS staff are finding it hard going persuading operators to make the necessary improvements. If substantial progress is to be made with these premises, Local Authorities will probably need to get involved in a proactive way that supports the SVS and goes as far as taking prosecutions where necessary . . .

**Enforcement of SBO controls: ‘keeping up the pressure’**

4.536 On 11 October 1995 Dr Cawthorne minuted Mr Meldrum ahead of his meeting with MHS officers that evening. Among other things, Dr Cawthorne advised that the MHS had drawn up an ‘action plan’ to tackle the problems identified in slaughterhouses. The plan included:

. . . instructions to MHS staff in each abattoir to sign a log book at the end of each day indicating that checks have been carried out on SBO separation and staining and that all is in order. Principal OVSSs will be asked to visit problem plants to be sure that MHS staff are doing their job properly: disciplinary measures will be instituted if necessary. Where problems rest with plant management, Investigation Branch will be invited to collect evidence for prosecution.

4.537 The outcome of the meeting between Mr Meldrum and the MHS was described by Dr Cawthorne in a minute sent to Mr Packer on 24 October 1995:

As a consequence, the CVO met the Chief Executive and senior managers of the MHS on 11 October and expressed his serious disquiet at what the SVS was uncovering in the course of their audits. The point was made quite forcibly, that the responsibility for enforcing controls in abattoirs rested with the MHS staff on-the-spot. It was highly unsatisfactory that SVS staff should continue to identify faults which MHS inspectors should have picked up in the course of their duties. The MHS were concerned at the results of these audits and expressed a commitment to ensuring that SBO separation and disposal was properly enforced in plants.

4.538 On 12 October 1995 Mr Fleetwood minuted Dr Cawthorne:

In my report of 6 October, I hinted that some of the poor results recorded at slaughterhouses in August/September may have arisen as a result of field staff applying exceptionally strict inspection criteria during their visits. I understand that similar opinions have recently been voiced by the MHS.
On balance . . . I have to report to you my opinion that some of the SVS results reflect genuine, continuing problems, some reflect differences of opinion which require a firm lead from us and some may reflect over-strict interpretation of the rules by the SVS.\textsuperscript{1563}

4.539 In his evidence to the Inquiry, Mr Eddy commented that, with the benefit of hindsight, the fact that these allegations were made suggested that those directly involved in enforcement work in slaughterhouses might, until this point, have been applying a degree of tolerance of minor failings, which Mr Eddy did not believe was ever asked of them in their instructions.\textsuperscript{1564}

4.540 The next day, Dr Cawthorne reported to Ministers on the September round of the SVS’s programme of bi-monthly, unannounced slaughterhouse visits. Results of the visits were summarised and were described as, ‘to the say the least, disappointing’:

The CVO has expressed his concern over these results to MHS senior management in a meeting earlier this week, who, in turn, have acknowledged that faults by plant operators are still evident though not on the scale recorded earlier in the year and not always of the same degree of concern. They have instituted a programme of management checks on their own staff to ensure full compliance and included in this package, disciplinary or enforcement action where this is considered necessary.\textsuperscript{1565}

4.541 On 18 October 1995 Mr Soul, who had been MHS Acting Head of Operations since August 1995, wrote to all MHS staff in beef slaughterhouses and head-boning plants about the results of the September round of SVS visits. He said that, whilst the results of the second round of SVS visits had been quite satisfactory, these most recent results were quite disappointing: 52 per cent of plants were found to have satisfactory controls in place, whilst 48 per cent failed to satisfy SBO controls. The most recent failures included:

i. inadequate separation of SBO;

ii. failure to stain SBO comprehensively;

iii. unsatisfactory record-keeping of SBO by plant management;

iv. consignment to inappropriate destinations.\textsuperscript{1566}

4.542 Mr Soul stressed that it was imperative that plant management and MHS staff fully appreciate the importance of implementing SBO controls in full as part of the national effort to control BSE. In addition, the OVS was to ensure that he/she or the SMHI or MHI made a daily entry in the MHS daybook at each plant, verifying that the SBO regulations had been fully complied with on that day.\textsuperscript{1567}

4.543 On 23 October 1995, AHC 95/163 was issued to all Divisional Veterinary Managers (DVMs) and DVOs cancelling AHC 95/74, 95/101 and 95/119 dealing
with instructions for the period of national surveillance of separation, staining and disposal of SBO at all slaughterhouses and boning plants which had now ceased. The circular attached an amendment to Inset 25A providing new instructions on the disposal and processing of SBOs. The Inset provided that a tour of the premises should be made in the company of MHS staff and to examine in particular:

i. the methods used to separate SBO from other carcass material;
ii. the form in which intestines are consigned off the premises;
iii. the staining of SBO;
iv. the staining of other material; and
v. the method used to store and consign SBO.

The Inset set out specific instructions, in each of the above cases, to ensure that requirements were being complied with. It also noted that records required by article 13 of the 1995 Order should be examined to ensure that they were appropriate and that SBO was being consigned to appropriate premises.

The EC mission to inspect BSE control measures

4.544 An EC mission to Great Britain to assess the implementation of EC trade and national measures regarding BSE was conducted between 28 August and 1 September 1995. On 13 September 1995 Mr Taylor distributed among MAFF officials his note of the oral report by the EC mission leader, Dr Cavitte, to the Standing Veterinary Committee (SVC). Presenting the team’s observations, Dr Cavitte told the SVC that conclusions had not yet been drawn. Mr Taylor recorded that the mission’s observations on SBO were that rendering plants visited were in compliance with the new SBO Order, which had introduced additional measures to protect the animal feed chain including:

i. the requirement of separate rendering lines for SBO;
ii. the approval of facilities;
iii. the introduction of a heat-stable stain; and
iv. the replacement of movement permits with the requirement for systematic records.

4.545 The EC mission’s final report was presented to the SVC on 4 October 1995. It concluded in relation to SBOs that:

Controls on the eventual destruction of SBOs have been strengthened considerably. However, the policing of these controls is of paramount importance. Spot checks combined with local knowledge will provide assurances, but consideration should also be given to the fuller use of computer recording to audit the production and destruction of these tissues.
The Chief Medical Officer expresses his concerns

4.546 On 25 October 1995 Mr Charles Lister, who was responsible for the administrative aspects of BSE in DH, wrote to Baroness Cumberlege, DH Parliamentary Secretary (Lords), outlining DH’s current position on the BSE epidemic.\footnote{YB95/10.25/7.1–7.4} His submission stated that it now seemed likely that SBO ‘may have been getting into animal feed because of poor controls at slaughterhouses’. He wrote that MAFF had addressed this problem ‘at least in part, by transferring responsibility for slaughterhouse inspections from local authorities to the Meat Hygiene Service’.\footnote{YB95/10.25/7.1}

4.547 Also on that day, Dr Kenneth Calman, the Chief Medical Officer (CMO), met Mr Packer and Mr Carden to discuss the position on BSE. By this time, Dr Calman had been informed by Mr Meldrum of four instances where spinal cord had been found in bovine carcasses that had been stamped by Meat Inspectors. In a statement to the Inquiry, Dr Calman summarised the discussion as follows:

> At that meeting I expressed a number of concerns I had as a result of the lapses in the SBO ban which had been identified. These were the continuing high number of BSE cases being reported, although this was declining, the high number of cases born after the feed ban which implied that controls in feedmills were inadequate and discovery that SBO had not always been properly removed in slaughterhouses and the fact that four farmers had contracted CJD. Despite the fact that I received assurances that enforcement of the SBO ban would be carried out vigorously in feedmills and slaughterhouses and that the Meat Hygiene Service would be left in no doubt of the high priority of this measure I requested an immediate meeting with the Minister.\footnote{S179 Calman para. 99; discussed by Mr Carden at T41 p. 102}

4.548 Mr Packer recorded the content of the discussion in a minute to Mr Hogg.\footnote{YB95/10.25/3.1–3.4} Amongst the measures that Mr Packer said MAFF would pursue ‘with vigour’ were continued monitoring of feedmills and:

> . . . the monitoring of adherence to the regulations in slaughterhouses and in particular the correct treatment of Specified Bovine Offals. I said we would ensure that the Meat Hygiene Service were in no doubt whatsoever as to the priority to be accorded to this objective by a directive from you or some other means . . .\footnote{YB95/10.25/3.3 para. 5}

4.549 Mr Packer also proposed that MAFF should ‘call in the slaughterhouse owners and, in effect, read the riot act’:

> I would suggest I might do that myself; if they prove recalcitrant you could then have a word with them. My line would be that unless they improve their performance they were putting the future of the whole industry at risk including their part of it.\footnote{YB90/10.25/3.2–3.3 para. 4}
Mr Hogg read Mr Packer’s minute ‘with concern’ and asked for ‘an urgent meeting’ with officials and a separate meeting with the CMO. 1577 Mr Packer arranged for Dr Calman to meet the Minister on 7 November 1995.

On 27 October 1995, with the agreement of Mr Meldrum and senior colleagues, Mr Eddy recommended to Mr Hogg that:

i. the SVS double the audit frequency of slaughterhouses;

ii. they move more quickly to prosecutions; and

iii. the Minister write to the Chief Executive of the MHS to instruct him formally that appropriate steps should be taken to ensure that the MHS staff enforce the regulations properly. 1578

Three days later, on 30 October, Mr Hogg held a meeting on BSE with Mr Antony Baldry, Minister of State, Mrs Browning and senior officials including Mr Packer, Mr Meldrum and Dr Cawthorne. The note of the meeting records that a wide range of BSE-related issues were re-examined. In relation to animal health:

Mr Meldrum gave a brief history of what we knew of the origin of BSE, describing the steps we had taken to prevent its spread. He said that we were currently facing difficulties in two areas: in slaughterhouses, where inadequate procedures for separating and staining SBOs appeared to be leading to some leakage into meat and bonemeal; and in feedmills where there appeared to be some cross contamination from feed for pigs and poultry. These developments were against the background of concern about the growing number of infected animals which had been born after the feed ban. Mr Meldrum described the steps we were taking to counter these problems. Tighter controls on SBOs and rendering had been introduced in the summer and the SVS was carrying out unannounced surveillance of SBO handling in slaughterhouses. There would be improved testing for cross-contamination in feedmills, based on unannounced sampling. 1579

Mrs Browning commented on the ‘short-sightedness’ of slaughterhouses in concentrating on questions such as the economic impact of controls. The Minister:

. . . agreed that the MHS should launch prosecutions where that was appropriate [and] that he should call in, as a group, the key organisations, telling them clearly that the results of our inspections in September showed that they were not doing well enough . . . The Minister would also want to arrange a visit to a slaughterhouse . . . Mrs Browning should hold separate meetings with the knacker industry and the hunt kennels where some problems with the handling of SBOs had also been seen. 1580
4.554 On public presentation, Mr Hogg said that ‘he would make plain that the September results of the surveillance exercise to monitor compliance showed that things were not as they should be’. It was agreed that it was ‘very important to liaise closely with the Department of Health and to keep Scottish and Welsh Offices informed’.\footnote{YB95/11.01/5.3–5.4 paras 11 and 13}

4.555 On 1 November 1995 Mr Curry, Chairman of the MLC, wrote to the Minister expressing his concern about the integrity of the controls which were in place to eradicate BSE. He noted the significant number of BABs, which ‘can only have occurred because of “leakage” in the feed bans’. He considered it ‘necessary for MAFF to send a clear signal to the whole industry that breaking the specified offal or ruminant protein bans will be punished extremely severely by prosecuting one of the offending abattoirs (or others not adhering to the rules)’\footnote{YB95/11.01/6.1–6.2}.

4.556 Mr Hogg wrote to the Deputy Prime Minister Mr Michael Heseltine, copied to members of Cabinet Sub-Committee EDC(P), on 3 November 1995. He provided a short background paper on BSE and also informed them of the discovery of failings in the handling of SBOs from recent SVS surveillance in slaughterhouses.\footnote{YB95/11.3/18.1} Three days later, Mr Hogg met Mr Johnston McNeill, Chief Executive of the MHS.

The Minister stressed the importance of our controls on SBOs in our strategy for the control and eradication of BSE. He was very concerned about the results of the most recent SVS audit of SBO handling in slaughterhouses. Clearly there had been a number of failings. We had to consider together how to make the slaughterhouses do better.\footnote{YB95/11.08/11.1 para. 2}

... The Minister made clear that Mr McNeill should not hesitate, where appropriate, to prosecute.\footnote{S327 Hogg para. 37; T91 pp. 112–13}

4.557 Mr McNeill said he would immediately ‘issue instructions to MHS staff stressing the importance of 100% compliance’\footnote{YB95/11.01/6.1–6.2} Mr Carden agreed: ‘We could not tolerate anything less than 100% compliance’.\footnote{YB95/11.01/6.2 para. 5}

4.558 Mr McNeill went on to say that, ‘in terms of the technology, there was no reason for non-compliance. There were, however, operational implications’.\footnote{YB95/11.3/18.1–18.2 para. 5; T91 pp. 112–13} These were likely to slow turnover in some plants significantly and, to avoid this, more inspectors would be needed. This would, in turn, lead to extra costs for MAFF. However, Mr McNeill said that there was no problem for the MHS in terms of recruitment and availability.\footnote{YB95/11.08/11.1 para. 3}

4.559 On 7 November 1995 Mr John Pratt, President of the Association of Meat Inspectors (GB) Ltd, wrote to all members stressing the importance of full compliance with the SBO regulations.\footnote{YB95/11.07/5.1}
Concern about the enforcement of the SBO regulations was highlighted by the discovery of shortcomings in the removal of spinal cord at slaughterhouses during this time (see vol. 6: *Human Health, 1989–96*). Whilst this had obvious implications for human health, the discoveries also raised concerns about the animal health implications.

On 7 November 1995 Dr Calman and Dr Jeremy Metters, Deputy CMO, met Mr Hogg, Mrs Browning, Mr Packer and Mr Osborne. Mr Hogg informed Dr Calman of ‘the likely findings of the October SVS audit of the handling of SBOs in slaughterhouses: this merely confirmed the need to take decisive action’. Dr Calman felt that the processes now in place to control SBO were satisfactory, but that those in the past had not been. Dr Calman ‘found the attitude of the farming industry and the slaughterhouses astonishing, particularly given the threat to the whole future of the sector’. Dr Metters said that he had noticed MAFF’s attitude change significantly over the last six weeks: ‘there was now no inclination to tolerate any failure to remove SBOs’. Mr Hogg recounted that he had told Mr McNeill not to hesitate in prosecuting if the evidence justified doing so and that Mr McNeill had said that there were no technical reasons why the industry should not be able to comply with the regulations. Mr Hogg added that he would shortly be seeing representatives from the slaughterhouse industry, and that his message would be ‘uncompromising’.

On 8 November 1995 Mr Hogg issued formal instructions to Mr McNeill regarding the enforcement of the SBO controls. He wrote:

> I am, therefore, by this letter, formally instructing you, in accordance with the provisions of paragraph 4.3 of the Meat Hygiene Service’s framework document, to ensure that appropriate steps are taken to see that your staff in slaughterhouses enforce the Specified Bovine Offal Order 1995 fully. Failure to comply with these regulations is an extremely serious matter. I must therefore ask you to make every effort to secure 100% compliance. In particular, your staff must ensure that all SBO is removed from a carcase before they give it a health stamp. Failure to do so should be viewed extremely seriously.

Mr Hogg explained the significance of this action to the Inquiry:

> If you take the Meat Hygiene Service, it was possible for Angela and myself to call in Johnston McNeill, which we did in November 1995, and give him formal instructions . . .

Giving a formal instruction, which was under the framework agreement, which we will also find in the papers, is a very rare thing because it is a re-ordering of priorities.

On the same day, Mr Soul wrote to all OVSs:

> It has come to my attention that some members of the profession may have adopted a somewhat *laissez-faire* approach. They seem to believe that a
reasonable level of compliance with the SBO Order is acceptable. That is not the case. **Only 100% compliance is acceptable.** I am confident that the vast majority of OVSs realise just how important it is for farmers and the UK beef industry that we all strive to ensure that there are no deficiencies with respect to SBO controls in our plants.

I know that I do not need to remind you that there are perceived public health as well as actual animal health implications. We have a duty to ensure that all potential risks to public health as well as all animal health risks are eliminated or minimised.1595

4.565 Also on the same day, Mr McNeill wrote to all MHIs and SMHIs about SBO controls. Mr McNeill stressed:

Any failure on your part to comply fully with your responsibilities will be dealt with as a serious disciplinary matter and may ultimately lead to your dismissal.

Further, if you are obstructed in any way by plant management whilst carrying out this instruction, you must record the incident in your day book and report the matter to your OVS who will be expected to note and act on the incident and report it to the Regional Manager as a matter of urgency.1596

4.566 On 9 November 1995 the Veterinary Public Health Association (VPHA) wrote to all OVSs regarding the SBO controls. Mr Martin Cooke, President of the VPHA, lent his support to the actions being taken by the MHS to ensure fully effective control of the handling, separation and staining of SBO in licensed beef premises.1597

**Further SVS surveillance results and Mr Hogg meets with slaughterhouse operators**

4.567 Mr Fleetwood’s report to Dr Cawthorne on the October round of SVS visits was circulated on 9 November 1995. Mr Fleetwood reported an overall improvement in the controls across the industry, particularly in respect of staining and record-keeping of SBO, and a reduction in the number of premises which recorded more than one fault during a particular visit. There had also been a major reduction in the failure rate at knacker’s yards and hunt kennels. However, Mr Fleetwood reported:

Less satisfactory are the continuing incidents at slaughterhouses where SBOs do not seem to be being separated correctly. I have been keeping yourself and Mr [Timothy] Render informed of the incidents where failure to separate SBO has involved spinal cord in carcasses. The remaining incidents primarily seem to involve poor separation of SBO from other animal by-products being sent for rendering.1598
Also on 9 November 1995, Mr Hogg met slaughterhouse operators to discuss the failings found with the handling of SBO. A note of the meeting recorded that Mr Hogg expressed deep concern at the findings of recent audits of slaughterhouse practice:

The Minister said that he was therefore insisting on 100% compliance with the SBO controls . . . if there was sufficient evidence to substantiate prosecutions, the MHS should not hesitate. The industry should be clear about this: prosecutions would be undertaken. There would be no further warnings.

Industry representatives replied that 'the Minister was preaching to the converted'. While they acknowledged that the system had not always operated as it should have in the past, they pointed out that there had been significant improvements since the MHS took over responsibility. They assured the Minister that the industry was right behind MAFF and would comply with the controls, but insisted that 'it was not possible, with the best will in the world, to prevent very small amounts of SBO material passing unnoticed'.

The industry pressed for SBO removal cost to be borne by Government or by EU funds. The Minister insisted that compliance must be absolute and that slaughterhouses would bear the costs, at least in the first instance.

Mr Duggins, an International Meat Trade Association representative, was recorded in the note as saying:

The Minister had been misled by his scientists. The industry was totally cooperative. However, there was no possibility of guaranteeing that all SBO would be removed. Perfection was impossible. The Minister should hold fire, at least until he had visited an abattoir himself to be aware of the practicalities. If he were to pursue a prosecution based on a very small piece of SBO attached to a single carcass, he would be laughed out of court. In any event there were a number of practices which should never have been authorised in the first place.

In his oral evidence to the Inquiry, Mr Hogg recalled:

I called them in . . . It was a fairly tough meeting. I read the riot act. It is all in the documents. They were pretty hostile to what they were being told, and actually they were saying, broadly speaking, ‘We cannot give you 100 per cent compliance, do not be silly, only go for the serious cases’. I was saying, ‘That will not do at all. I intend to prosecute, you will comply and I do not want any excuses, thank you very much’. It was a pretty rough meeting; I do not mind that, that was the way it was.

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1599 YB95/11.09/9.1
1600 YB95/11.10/5.2 paras 4–5
1601 YB95/11.10/5.2–5.3 paras 7–8 and 11
1602 YB90/11.10/5.4 para. 15
1603 YB95/11.10/5.5 para. 17
1604 T95 p. 72
4.573 In a press release issued afterwards, Mr Hogg said:

I said that I would only be satisfied with 100 per cent compliance with the rules and informed them that the Meat Hygiene Service would enforce the controls most rigorously.1605

4.574 The National Farmers’ Union (NFU) issued a Position Statement the following day it which it was noted:

The NFU fully supports the Minister’s decision to express his concerns to the abattoirs over their failure to enforce the law on specified bovine offals.

... Should the Minister decide to prosecute an abattoir for failing to comply with the SBO legislation, the NFU would fully support that decision.1606

4.575 Also on 10 November, Mr Fleetwood minuted Mr Timothy Render, new Head of Branch B, Animal Health (Disease Control) Division, with a summary of findings on the handling of SBO at knacker’s yards and hunt kennels in preparation for Mrs Browning’s meeting with representatives of those industries. He noted:

Although the SVS has been active in knacker and hunt premises for some time, detailed record keeping at a central level began in September this year when the new Order was introduced.1607

4.576 Accordingly he set out the following table:

**September 1995**

<table>
<thead>
<tr>
<th>No of visits</th>
<th>No of visits satisfactory</th>
<th>No of visits unsatisfactory</th>
<th>% unsatisfactory</th>
<th>Fail 1</th>
<th>Fail 2</th>
<th>Fail 3</th>
<th>Fail 4</th>
<th>Fail 5</th>
<th>Fail 6</th>
<th>Fail 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>212</td>
<td>75</td>
<td>137</td>
<td>65</td>
<td>51</td>
<td>22</td>
<td>66</td>
<td>17</td>
<td>72</td>
<td>61</td>
<td>75</td>
</tr>
</tbody>
</table>

**October 1995**

<table>
<thead>
<tr>
<th>No of visits</th>
<th>No of visits satisfactory</th>
<th>No of visits unsatisfactory</th>
<th>% unsatisfactory</th>
<th>Fail 1</th>
<th>Fail 2</th>
<th>Fail 3</th>
<th>Fail 4</th>
<th>Fail 5</th>
<th>Fail 6</th>
<th>Fail 7</th>
</tr>
</thead>
<tbody>
<tr>
<td>235</td>
<td>165</td>
<td>70</td>
<td>29</td>
<td>21</td>
<td>11</td>
<td>33</td>
<td>8</td>
<td>29</td>
<td>32</td>
<td>17</td>
</tr>
</tbody>
</table>

4.577 The various numbered columns headed ‘Fail’ recorded the reason that a particular knacker’s yard or hunt kennel failed the inspection. The various reasons were:

1 – Problems with identification, removal or separation of SBO.

2 – Storage of SBO unsatisfactory.

3 – Staining of SBO unsatisfactory.

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1605 YB95/11.09/9.1; reported in The Times at YB95/11.10/17.1 and the Telegraph at YB95/11.10/18.1; see also YB95/11.10/11.1
1606 YB95/11.10/11.1
1607 YB95/11.10/12.1
4 – Patent Blue V stain used on wrong material.

5 – Record-keeping unsatisfactory.

6 – SBO not moving to appropriate destination.

7 – Weight of SBO not consistent.

4.578 Mr Fleetwood noted:

The overall picture that emerges from these results is that the failure rate at these premises is high, although it has halved between September and October 1995. This is encouraging, although overall results are still far from satisfactory. As regards the individual reasons for failure, these are fairly evenly scattered across all the possible alternatives, although with a slight preponderance concerning staining, record keeping and movement of SBO off the premises.

The above results mask a more disturbing trend which appears to be unique to hunt kennels. All have been told that they may not feed vertebral columns to hounds, but it is clear that a number of hunts are deliberately infringing these rules.\textsuperscript{1608}

4.579 Mr Render provided Mrs Browning with a background briefing and speaking note for her meetings with representatives of the knackery and hunt kennel industries on 13 November 1995.\textsuperscript{1609} Two separate meetings were held the following day. At the first meeting, Mrs Browning, Mrs Attridge and Mr Fleetwood met a number of representatives of hound associations\textsuperscript{1610} to discuss the handling of SBO in hunt kennels. Mrs Browning outlined her concerns over handling of SBOs at those premises and noted there were a number of significant failings.

These included the inadequate separation of SBO material and poor storage, which risked the material leaking into the animal feed chain. There had also been evidence in some cases that the law had been deliberately flouted. In seven cases hunts had fed whole vertebral columns to hounds despite earlier warnings by the SVS that they were contravening the law by doing so. There was also one case – where a prosecution was pending – in which a hunt had appeared deliberately to have hidden SBO material amongst non-SBO waste.\textsuperscript{1611}

4.580 Further discussion took place on the treatment of the spinal column and the proper separation and staining of SBOs. An industry representative raised the question of the establishment and operation of incinerators at hunts. Mrs Browning agreed to write to hunt kennel representatives to clarify the position in due course.

4.581 Mrs Browning also held a separate meeting with Mr Chris Ashworth, a representative of the Licensed Animal Slaughterers and Salvage Association (LASSA), the same day. A note of the meeting records that:

\textsuperscript{1608} YB95/11.10/12.2
\textsuperscript{1609} YB95/11.13/2.1
\textsuperscript{1610} Masters of Foxhounds Association, Association of Harriers and Beagles, Masters of Draghounds Association and Bassethounds Association
\textsuperscript{1611} YB95/11.15/1.1
Mr Ashworth said that LASSA recognised the importance of the SBO controls, and did not wish to see anyone taking shortcuts. Sloppy practices engendered a disease risk, and would undermine confidence in British meat; that was in no-one’s interest. He agreed to convey Mrs Browning’s concerns to his members and stress the importance of full compliance with the rules.  

4.582 Mr Ashworth raised the problem of carcasses being disposed of other than through knacker’s yards. He noted that while there had been a substantial decline since 1989 there had been a further noticeable drop since the introduction of the new SBO rules in August 1995. He suspected this was as a result of farmers burying carcasses. He expressed concern with problems which could arise as a result and the need to protect groundwater sources. Further discussion was held on splitting of spinal columns, incinerators and the training of knacker-men on SBO handling.

4.583 On 22 November Mr Fleetwood informed Mr Eddy and Mr Soul that a VO, acting on a tip-off, had uncovered quantities of bovine intestines concealed in bins of best fat which was going for normal rendering. The plant manager had allegedly given specific instructions to gut room operators to conceal the intestines in this way. Mr Fleetwood gave instructions that immediate prosecution should be initiated.

4.584 Mr Fleetwood provided Mr Cawthorne with the results of the SVS surveillance of SBO for November on 13 December 1995. He noted that the frequency of visits to slaughterhouses and head-boning plants doubled over the course of the month. He said:

...the frequency of unsatisfactory visits has fallen significantly, the overall failure rate falling from 31% in October to 13% in November. This reduction has occurred across the whole of the industry and indicates a general tightening up of all procedures involving SBO.

4.585 AHC 95/193 was issued on 29 December 1995. It annexed a list of all the head-boning plants, incinerators and collection centres approved under the 1995 Order to receive SBO.

4.586 On 4 January 1996 Mr Fleetwood minuted Dr Cawthorne with the next report on the outcome of SVS surveillance of SBO. Of a total of 535 visits, only at 34 premises were unsatisfactory practices found. Seventeen of these were slaughterhouses, whilst knackers and hunts accounted for 14. Mr Fleetwood commented:

Once again, a significant improvement in SBO disposal has been recorded compared with the previous month. Very few problems are now being recorded other than a few lingering defects in staining and record keeping. The results for rendering plants appear poor at first glance, but with only three plants visited, a single failure has produced an unrepresentative result.

1612 YB95/11.15/1.4
1613 YB95/11.22/10.1
1614 YB95/12.13/8.1
1615 YB95/12.29/3.1
Looking at the results as a whole, I think that SVS field staff and MHS staff should be congratulated for their excellent performance which has resulted in significant improvements in the industry.\textsuperscript{1616}

\textbf{Approval of rendering plants}

\textbf{4.588} Mr Render wrote to all rendering plants on 19 January, to remind them of the requirement that plants rendering SBOs must be approved by 15 February 1996 and that premises rendering SBO after that date in the absence of approval would be doing so in contravention of the 1995 SBO Order. He asked that they contact SVS staff for advice on approval.\textsuperscript{1618} On 22 January 1996, AHC 96/10 was issued to all DVMs/DVOs\textsuperscript{1619} noting that premises rendering SBOs required approval by 15 February. It set out instructions for DVMs and DVOs to contact rendering plant operators in order to ensure approval.\textsuperscript{1620}

\textbf{4.589} Following an update from Mr Fleetwood on 2 February, Dr Cawthorne minuted Mr Meldrum on 6 February to inform him that most rendering companies would be unlikely to meet the 15 February deadline. He noted that the delays were due to problems in obtaining planning permission and delivery of new equipment. He noted that a mid to late March deadline would be more realistic. Dr Cawthorne advised that of the possible options available the preferable approach would be to issue exemption licences under the Animals (Miscellaneous Provisions) Order 1927 so that individual renderers could meet new deadlines not later than 31 March 1996. He noted that it was quite clear that plants were actively engaged in upgrading equipment and endeavouring to meet deadlines.\textsuperscript{1621} In a manuscript note dated 9 March, Mr Meldrum notified Dr Cawthorne that he was content for the proposed option for approval of rendering plants to be pursued subject to Ministerial approval.\textsuperscript{1622} Mrs Browning’s approval was sought on 12 February. A manuscript note dated 13 March indicated that she was content with the submission.\textsuperscript{1623}

\textbf{4.590} AHC 96/35 was issued on 13 March 1996. It listed rendering plants that had been approved to handle SBO under the 1995 SBO Order. It also annexed a list of any further collection centres, head-boning plants, incinerator plants and premises approved to receive SBO under article 18 of the Order, being premises not connected with food or feedstuffs that had been approved since the issue of AHC 95/193.\textsuperscript{1624}

\textbf{4.591} On 22 March 1996 Mr Stephen Wyllie, who had replaced Mr Fleetwood, circulated the fifth report on SVS surveillance for the month of February. He noted
that the failure to separate SBO from other animal by-products was now recorded separately from failure to separate SBO from material for human consumption. He said that ‘after the rapid improvements made from the high level of unsatisfactory visits at the start of the survey, the situation seems to have bottomed out, with the overall level of unsatisfactory visits running at 5–6%’. He attached a table which indicated that of a total of 557 visits made only 35, or 6.1 per cent, were unsatisfactory.1625

4.592 Government activity on the animal health front was overshadowed following the growing concerns about human health implications in the two months before the 20 March announcement (see vol. 6: Human Health, 1989–96).