



Department
for Environment
Food & Rural Affairs

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Consultation on a proposal to change the Brucellosis bulk milk tank sampling regime for producer-retailers

Summary of responses

January 2015



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Any enquiries regarding this publication should be sent to us at

bulk_milk@defra.gsi.gov.uk

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Introduction

Council Directive 64/432/EEC defines the requirements for a monitoring and testing programme for brucellosis to ensure that animals intended for intra-community trade are not a source of contagious or infectious disease. The Brucellosis (England) Order 2000, as amended, therefore establishes a national brucellosis surveillance programme for England. This is important to maintain Great Britain's "Officially Brucellosis Free" status under EU rules.

As part of this programme, officers from the Animal and Plant Health Agency (APHA) currently visit farms to collect quarterly bulk milk tank samples directly from producer-retailers. Producer-retailers are those who sell milk/milk products directly from the farm to the public or retailers. This can include the sale of raw (unpasteurised) milk/milk products.

However, a GB-wide review of brucellosis surveillance highlighted disproportionately high costs and resource associated with APHA undertaking farm visits for the collection of these samples. The review recommended that responsibility be transferred to industry, bringing producer-retailer sampling in line with primary milk purchasers who already have a statutory responsibility to supply, at their own expense, bulk milk samples to an approved laboratory for testing.

The principal aim of this consultation was to seek views from producer retailers on the proposal to transfer responsibility to them for collecting and submitting, three times annually, bulk milk tank samples to APHA for testing. APHA would continue to collect the fourth sample.

Conducting the consultation exercise

Defra conducted a seven week consultation exercise from 31 July to 18 September 2014, in respect of England only. The consultation package, comprising a consultation letter, questionnaire and Impact Assessment, was published online at:

<https://consult.defra.gov.uk/animal-health-and-welfare/brucellosis-milk-sampling-producer-retailers>.

The consultation was sent to all 100 producer retailers in England and to main dairy industry stakeholders. Consultees were encouraged to submit completed questionnaires using Citizen Space, the government's online tool, but could also reply by post.

Before launching the consultation, Defra officials informally consulted Dairy UK and the National Farmers Union (NFU) when preparing the Impact Assessment. This document explored the costs and benefits of the proposed approach. It also considered the costs and benefits of a reduction in the frequency of bulk milk tank testing (from monthly to quarterly) for Brucellosis surveillance. We did not consult on this issue, since this change was implemented administratively in April 2011.

Summary of responses

Just one response to the consultation questionnaire was received, from a producer-retailer in South West England. This did not answer the survey questions but suggested, more generally, that the APHA (previously the AHVLA) should join up visits to farms where possible with the Food Standards Agency (FSA). Defra passed this response to the FSA for consideration. The FSA has subsequently confirmed that this would not be viable in most cases. For producers who are not registered to sell raw drinking milk and who are members of the Red Tractor Assurance Scheme (the vast majority of dairy farmers in England and Wales), FSA dairy hygiene inspections are now made at a frequency of once every 10 years, which keeps footfall on the farm as low as possible. Therefore, it would not be practicable for the FSA to facilitate brucellosis sampling which is required on a quarterly basis.

The Consultation Impact Assessment was not challenged during consultation.

Dairy UK and the NFU have previously accepted our proposals and we interpret the lack of any further response to indicate wider acceptance from producer retailers. Industry will now expect our proposals to be implemented as proposed.

The way forward

The government will now proceed as proposed during consultation. To achieve this Defra will bring into force the Brucellosis (England) Order 2015, with effect from 1 April 2015. This will amend, revoke and replace, the Brucellosis (England) Order 2000 (SI 2000/2055) with its amending Order (SI 2008/618).

The Brucellosis (England) Order 2015 will newly require producer-retailers to submit (themselves or via a private laboratory) a bulk milk tank sample to APHA three times a year, at their own expense, for brucellosis testing. Failure to do so will be an offence, as it is already for milk purchasers. In addition, the new Order will reduce the frequency of bulk milk tank testing from monthly to quarterly across the whole industry (i.e. milk purchasers and producer-retailers) to reflect the administrative arrangement already in place. We will also make minor “housekeeping” improvements to the Order. Consolidation of the existing legislation complies with Defra’s commitments to the government Red Tape Challenge requirements to reduce and simplify legislation where possible.

To assist producer-retailers, APHA will send them reminder letters and sample pots, free of charge, when samples are due. APHA will continue to visit farms to collect the fourth quarterly sample for audit purposes and because of the higher disease risk associated with raw milk.

The Scottish Government has already implemented (since April 2014) an equivalent change to their legislation to require producer retailers to submit their own bulk milk tank samples and to reflect the change to quarterly testing. The Welsh Government intends to consult and implement similar changes in due course. Northern Ireland has separate surveillance arrangements for brucellosis.