

Welfare of Animals at the Time of Killing (Wales) Regulations (WATOK) 2012 – Consultation response form

Please ensure that you have read and understood the consultation document and the attached document before completing this questionnaire. If you have any queries, please contact us. Thank you for taking the time to respond to this consultation.

Consultation Response Form

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Responses should be returned by **05/11/2012** to:

Livestock Welfare Branch
Office of the Chief Veterinary Officer
Hill House
Picton Terrace
Carmarthen
Carmarthenshire
SA31 3BS

or completed electronically and sent to:

LivestockWelfare@wales.gsi.gov.uk

Standard Operating Procedures

Question 1. Will the flexibility Regulation 1099/2009 provides to adapt to meet local circumstances through Standard Operating Procedures lead to cost savings? If so how and to what extent will costs be reduced?

Yes No

Comments

We feel this is a question best addressed by the slaughter industry.

Cervical Dislocation

Question 2. Will the prohibition on the use of cervical dislocation of poultry as a routine slaughter method cause operational difficulties? If so what additional costs will be involved?

Yes No

Comments

We are not aware of any operational difficulties associated with the prohibition of cervical dislocation as a routine slaughter method. Captive bolt equipment, that is freely available and can offer a more humane and controlled kill, can be used for purposes where cervical dislocation was previously used routinely.

Competent Authority

Question 3. Do you have any comments on the proposed allocation of competent authority and Member State responsibilities?

Yes No

Comments

Depopulation

Question 4. Do you agree that derogations should be authorised in writing by the Welsh Ministers in Wales should exceptional circumstances arise?

Yes No

Comments

We do agree. However, the notice should be specific, not general, be published in full and made publicly available. In addition, the provisions currently under WASK that relate to the slaughter/killing of animals under exceptional circumstances should also be retained where this would improve welfare above the new Regulation requirements, including whereby retaining them would provide additional detail or clarity to the new provisions.

Further, RSPCA Cymru does not agree with the use of ventilation shutdown as an acceptable form of killing animals. The emphasis should be on all farms to have in place an effective farm-specific contingency plan which clearly details the steps that can be taken to humanely kill the animals on that farm in the event of conditions arising as described under Paragraph 100 in the consultation document.

Certificates of Competence

Question 5. Do you have any comments on the overall approach proposed in relation to the introduction of Certificates of Competence?

Yes No

Comments

CoC's should be required for all personnel involved in the slaughter of all animals regardless of the scale of operation (ref. paragraph 29 in the consultation report). Scale of operation has no bearing on the required level of competence, i.e. persons involved in small scale operations are not inherently more competent, nor are the animals at less risk if the operator is not competent. As such, welfare is of concern regardless of operational scale. We therefore agree with the proposal to require all individuals carrying out small scale slaughter to hold a CoC. We also agree with the other proposals concerning stricter national rules, as set out under paragraphs 30-33.

Question 6. Do you have any comments on the Certificate of Competence transitional arrangements?

Yes No

Comments

If a CoC is required at some point by those with previous experience, a possible two year delay in having to hold one does not appear consistent with ensuring good welfare during slaughter/killing is maintained during this period. There appears to be no strong or clear welfare case for enacting such a delay. There should be an immediate requirement for a CoC.

Question 7. Do you consider that the approach to establishing three years relevant professional experience is proportionate? Can more be done to recognise wider experience where relevant, particularly in relation to seasonal slaughter operations?

Yes No

Comments

Experience does not guarantee competence. Someone could have been undertaking various procedures for years but not applying best practice. It should be a requirement for all personnel, regardless of experience, to hold a CoC as soon as possible and not have a two year grace period. However, perhaps for those with a WASK licence, only training and assessment of those additional practices and procedures not covered for a WASK licence could be given in the first instance.

It is not clear whether the three years previous experience has to be continuous. And, whether this has to be gained in a full-time, rather than part-time capacity. Also, information about on-going assessment of an individual's competency during that three years is not mentioned. This is surely essential information if experience is to be equated with competency.

Penalties

Question 8. Do you consider that the proposed penalties represent proportionate and effective sanctions?

Yes No

Comments

There is apparent disparity with the levels of penalty imposed for the welfare offences. We would recommend that offences under Articles 3, 4, 15, 19 in particular and any proposed provision that carries a penalty of a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 3 months or both, has parity with the Animal Welfare Act 2006 penalties. They are set out in Section 32 of the 2006 Act. It is recommended that Articles 3 & 4 reflect s32(1) of the AWA 2006 and Articles 15 & 19 reflect s32(2) of the AWA 2006.

Question 9. Do you consider that the proposed approach to enforcement will be effective in dealing with non compliance?

Yes No

Comments

We welcome the opportunities provided by the wider range of options under the new Regulation to enforce the legislation and agree with the 'sliding scale' principle of sanctions, depending on the level of threat to animal welfare caused by the infringement. The effectiveness of the proposed approach will depend on the efficacy of the enforcement procedure in the first instance, and on the robustness of the follow-up activities aimed at verifying initial rectification and on-going maintenance of the improvements.

Powers of Entry

Question 10. Do you consider that the proposed powers of entry ensure appropriate enforcement action can be taken whilst protecting the rights of individuals?

Yes No

Comments

The ability of an officer/inspector authorised by the Welsh Ministers to enter an abattoir without notice is extremely important. The ease with which the term 'reasonable suspicion' (of a failure) can be challenged – and hence such officers prevented from entering premises without notice – is therefore crucial. Further guidance on how the term 'reasonable suspicion' will be analysed would be helpful for all, not least in ensuring consistency.

National Rules

Question 11. Do you consider that the proposed approach in relation to National Rules will be effective in maintaining existing welfare standards?

Yes No

Comments

The following provisions from WASK should be retained in addition to those considered for retention as set out on pages 45-53 of the consultation document.

1. The definition for adverse weather condition, as in WASK Part I, Section 2(1), should be retained, as this is undefined in the new Regulations.
2. The definition for lairage, as in WASK Part I, Section 2(1), should be retained, as this is undefined in the new Regulations.
3. The definition for 'stunning' should be broadened to include 'without distress' in addition to without pain. This particularly relates to stunning using

gas where WASK had this requirement under Schedule 7, Part III, section 7(1). This point is pertinent as, under the new regulations, gas can now be used to just stun - not kill - birds. However, although requirement does apply within the new Regulations where the gas is used to kill birds, it is not stated where gas is used to stun the birds.

4. The requirement to ensure birds are conveyed to the point in the chamber of maximum concentration within a given time period, as in WASK Schedule 7, Part III, section 8(a)(ii), should be retained.

5. The WASK requirement to kill poultry using gas should be retained (Schedule 7, Part III, section 9(a)), as this constitutes best practice and eliminates potential complications with return to consciousness after exit from the gas mixture.

6. WASK requirement Schedule 3, Part II, section 4, requiring animals that have experienced pain or suffering during transport be slaughtered/killed immediately, should be retained.

7. WASK requirement under Schedule 6, section 3(1), requiring bleeding to be rapid, profuse and complete, should be retained, as this adds further clarity and detail.

8. The specific WASK requirements for killing surplus chicks by exposure to gas mixtures, as set out under Schedule 11, section 3, should be retained. It is not clear in the new Regulations whether chicks can be killed using gas and, if they can then, what gas mixtures are permitted for this purpose. WASK also requires chicks to be killed when gas is used, which, again, is not clear whether this would be the case under the current Regulations.

9. In WASK Appendix 4 (Killing birds by gas outside a slaughterhouse) Schedule 7A, Part IV, 4 (2) states that: 'No person may operate a chamber consisting of a bird shed except under the direct supervision of a veterinary surgeon' - this is not present in the consultation document. No reason is given for this. This should be retained to help safeguard bird welfare during a process where there is such significant risk to the birds.

Question 12. Will the national rules proposed reduce the flexibility Regulation 1099/2099 provides to adapt procedures to meet local circumstances through Standard Operating Procedures?

Yes No

Comments

RSPCA Cymru is not aware of any reduction in flexibility that would be caused by implementing the national rules proposed.

Question 13. Is there a welfare case for retaining other WASK measures through National Rules - which measures should be retained and what is the welfare justification for each?

Yes No

Comments

All the WASK provisions being considered for retention in the national rules (as set out on pages 37-44 of the consultation document) should be kept.

Please also see the comments provided under Question 11.

The additional rules simply build on the Regulation in a way that prescribes more detail and/or clarity to an extent that the welfare of the animals at the time of killing is better protected. Full welfare-related justification for each point is not possible here due to the time constraints imposed by the relatively short (six weeks) consultation period. However, there is no evidence to counter the view that the current rules in place under WASK, which have been in place for some time and hence are clearly commercially viable, should remain. As such, the emphasis should be on justifying – by making a strong, solid welfare case – their omission if this is being sought by others, not on justifying their retention. If any of the existing WASK rules are not retained and as a result, there is a weakening of the level of protection offered to animals covered by this legislation (which includes any reduction in the level of detail or clarity provided) then RSPCA Cymru will request to see such justifications for their omission and will call for this information to be made public.

National Rules on Religious Slaughter

Question 14. Do you agree with the national rules proposed to maintain welfare protection for animals slaughter in accordance with religious rites? If not, can you provide supporting evidence?

Yes No

Comments

RSPCA Cymru is against the slaughter of animals that have not received a pre-cut stun on welfare grounds, a view informed by and in line with a significant volume of expert opinion including that expressed by the Welsh Government's advisory body, the Farm Animals Welfare Committee (formerly Council) in several reports. RSPCA Cymru urges the Welsh Government to

take the opportunity afforded by the transposition of the new Regulation to review and improve the protection provided to animals being slaughtered in accordance with religious rites. It is stated in Paragraph 109 that: 'the Welsh Government has confirmed it wishes to protect the welfare of animals slaughtered in this way' but in our view, this has not been achieved due to failure to strengthen the rules further in this area.

However, the proposal to retain current national rules, as set out in the consultation document (Paragraph 110), is welcomed and we agree these should be retained. Further detail is required in some areas, however, since it is widely acknowledged that enforcement of at least one of the provisions listed in Paragraph 110 – notably Schedule 12 (2) (a) and (b) relating to who is permitted to eat meat from animals slaughter in accordance with religious rites – is not currently effective. Failure to ensure effective traceability of all meat from animals slaughtered in accordance with religious rites where this involves no pre-cut stunning results in contravention of this provision. The Welsh Government and its enforcement agencies have responsibility to put in place processes that can ensure this provision can be effectively enforced, not least as failure to do so places citizens at risk of consuming meat produced under conditions they are unaware of and might find unacceptable. We believe that this contravenes the policy objectives of the Regulation with respect to the intention that the exemption from pre-stunning, afforded to specified groups within society, is specific and narrow. We would urge the Welsh Government to review and provide strengthened and transparent provision in relation to this exemption, to ensure that meat from animals slaughtered under the exemption is only consumed by the intended groups. Some other countries, including notably German, have more stringent rules aimed at better enforcing this provision. We would urge the Welsh Government to adopt a similar approach so that the rights of all its citizens are protected with regard to choosing the method of slaughter of animals whose meat they eat.

The proposed amendments/new additions to the national rules, as set out under Paragraph 111 in the consultation document, are also welcomed. However, with regard the proposed change to Schedule 12(4)(c), it is not clear who would inspect/approve any modifications to restraining equipment. And, with regard to the amends to Schedule 12 (6)(a) and (9)(b), we question whether a multiplication factor of two in relation to the length of the knife blade to the animals neck is sufficient, especially in relation to chickens.

Also, it is of great concern that at the very least, a requirement for a post cut stun has not been proposed. It appears that it will still be optional. It is our understanding that post cut stunning is undertaken for all slaughter without pre-stunning for religious purposes in some countries such as New Zealand with the cooperation of all stakeholders. Why is it not deemed appropriate in Wales? Effective application would help to reduce the period during which adult bovines in particular might be conscious and suffering following throat cutting and we would strongly urge the Welsh Government to reconsider this point as we feel introduction of mandatory post cut stunning would enable progress on animal welfare without causing difficulties to religious groups.

The proposals set out under Paragraphs 112 and 114, 115, 116, 117, are further welcomed and supported.

Question 15. Do you consider that we should retain existing WASK provisions on bleed time for non stun slaughter, or that we should revoke existing provisions and replace with more suitable provision as a new stricter rule? If so why?

Yes No

Please provide evidence to support a suitable proposal.

Comments

RSPCA Cymru would urge the strictest possible rules to be applied in the case of non-stun slaughter, in order to reduce unnecessary suffering as far as possible. Bleed times should reflect latest scientific species-specific research to ensure that animals are fully bled out/dead before any further procedures are performed. Please also see our answer above to question 11, point 7.

Question 16. Do you consider the modified arrangements for approving equipment for use in relation to slaughter in accordance with religious rites will ensure appropriate welfare protection?

Yes No

Comments

With regard the proposed change to Schedule 12(4)(c), as set out under Paragraph 111 in the consultation document, it is not clear who would inspect/approve any modifications to restraining equipment. Also, RSPCA Cymru believes, on the basis of best knowledge and science, that 'appropriate welfare protection' cannot be achieved if animals are fully conscious when their throats are cut.

Question 17. Will any of the National Rules proposed impact on members of the Muslim and Jewish communities' ability to eat meat prepared in accordance with their religious beliefs?

Yes No

Comments

We are not aware of any detrimental impacts in this respect. Whilst the proposed national rules will have some effect on improving the welfare of those animals slaughtered without a pre-cut stun, they will not provide the level of protection that should be afforded to such animals due to continuation of the exemption allowing slaughter without pre-stunning. Also, the new rules do not appear to provide any further safeguards for those consumers who would not wish to unknowingly eat meat from animals slaughtered without pre-stunning. Failure to ensure that animals slaughtered without pre-stunning under the exemption are only eaten by the intended recipients (Jews or Muslims) contradicts the policy objectives of the Regulation and goes against the spirit and the intention of this restricted and limited exemption (see also related comments under Question 14).

Question 18. Do you have any other suggestions for new rules on non stun slaughter for religious purposes that can be used? Could you also provide details?

Yes No

Comments

While slaughter without pre-stunning continues to be permitted, we would urge that all animals are given an immediate post-cut stun in order to minimise the duration of any suffering associated with continuing consciousness during the bleed out period. This procedure is enacted in several other countries, being compulsory in New Zealand for example, where all animals slaughter using the Jewish and Muslim methods must be given a post cut stun.

Monitoring procedures and CCTV

Question 19. – Do you consider that business operators should be required to introduce appropriate measures to ensure unobserved observation of the stunning and slaughter process? What measure do you consider appropriate?

Yes No

Comments

We have considered this area in detail and analysed carefully the issues have raised, particularly under paragraph 122 in the consultation report.

The installation of CCTV can provide many benefits, including assessing legal compliance. The use of CCTV in areas where live animals are present can assist those responsible for monitoring and enforcing animal welfare within the abattoir in ensuring that standards are maintained. CCTV footage can also be used for in-house training programmes and to provide an additional level of security at the abattoir, particularly in defence against any footage collected by a third party that may appear contradictory to standard practice within the slaughter plant.

As there is an increase in the voluntary installation of CCTV this is good evidence that some within the industry have themselves recognised the benefits of installing CCTV. As such, if not made mandatory, only those 'good' slaughter plants, that have already installed this technology, will continue to operate it, whilst those slaughter plants that may be considered of greater concern, would not.

RSPCA Cymru feels strongly that the installation of CCTV should be made mandatory and in line with this position, has made it a requirement within its welfare standards for farm animals that are implemented by members of the Society's farm assurance scheme, Freedom Food. All Freedom Food approved abattoirs now have and operate CCTV successfully, tangible evidence of the commercial and practical viability of such a system. They are also required to store footage from all the CCTV cameras for at least three months, enable use for management/staff training purposes and for random and/or targeted auditing by scheme assessors.

RSPCA Cymru would be happy to discuss this issue further with the Welsh Government and has already made representation at FSA on this issue.

In paragraph 122 of the Consultation document, it is stated that: 'CCTV monitoring failed to pick up welfare abuses in at least one recent, well-publicised, case brought to our attention by a welfare organisation.' This highlights the importance and usefulness of ensuring that CCTV cameras are appropriately positioned such that all processes involving live animals can be effectively viewed. It is our understanding that this was not the case at the abattoir in question so the failure there of CCTV to pick up poor practice should not be considered to be evidence that CCTV does not 'work' as an

effective monitoring tool. Simply 'having CCTV' may not result in effective monitoring. However, having a sufficient number of appropriately placed, fully operational CCTV cameras, and procedures in place for storing and utilising the footage taken, can be an extremely effective monitoring tool. For information, the CCTV requirements within the RSPCA farm animal welfare standards are as follows. We recommend that similar wording should be adopted within the national rules:

Poultry:

A functional CCTV system must be installed and operational to monitor animals undergoing the following processes at the abattoir (as applicable):

- a) unloading from vehicles into the lairage
- b) shackling, including the shackling of birds following gas killing
- c) stunning, including exiting the electrical waterbath
- d) neck cutting
- e) entering a Controlled Atmosphere System (CAS).

Mammals:

A functional CCTV system must be installed and operational to monitor animals undergoing the following processes at the abattoir (as applicable):

- a) unloading from vehicles into the lairage
- b) lairaging, including the movement of animals out of the lairage towards the stun point
- c) stunning, including animals approaching the stun area
- d) shackling, including the shackling of animals following gas killing [Pigs]
- e) sticking
- f) entering a Controlled Atmosphere System (CAS) [Pigs].

Poultry and mammals:

CCTV cameras must be positioned to ensure a clear view of the processes being monitored is achieved at all times.

It must be possible to clearly observe the view from each camera at all times via one or more monitors.

CCTV footage must be recorded at all times where animals are undergoing any of the processes listed [above].

The recorded CCTV footage must be:

- a) retained by the abattoir for a period of at least three months, and
- b) available for viewing by on site by [scheme auditors] on request.

Transitional Measures

Question 20. Do you have any comments on the proposed approach to transitional measures?

Yes No

Comments

RSPCA Cymru welcomes the continuation of the national rules listed under paragraph 127 in the consultation document to safeguard welfare until the new rules are implemented in 2019. However, in addition to those provisions highlighted to be retained permanently in the national legislation beyond 2019, RSPCA Cymru would like to see the following retained, also:

1. Schedule 2, Part I (1)(b), to ensure all slaughterhouses and knackery yards have suitable equipment and facilities available for the purpose of unloading animals from means of transport.
2. Schedule 5, Part II (10)(b) & (d), to ensure that, despite the minimum provisions prescribed for electrical water bath stunning in the new Regulations, there is a specific requirement for the strength and duration of the current to immediately render the bird unconscious and that must be good electrical contacts. This adds further detail and clarity and will ensure that, even if the specific requirements for frequency, current and duration are being met, these desired outcomes must be achieved.
3. Schedule 7, Part III (8)(a)(ii), to ensure birds are conveyed to the point in the chamber of maximum concentration within a set time period.
4. Schedule 7, Part III (8)(b), to ensure the gas chamber has an apparatus to maintain the required gas concentration.

Question 21. Welsh Government has prepared a draft impact assessment that presents the current UK assumptions and Welsh data where possible.

We invite comments and evidence on the assumptions used that can be used to prepare a final version to accompany the Regulations when presented to the National Assembly for approval.

Yes No

Comments

We would urge considerable caution when making any assumptions, and would instead strongly suggest that all efforts are made to obtain and utilise facts and evidence, and to analyse any 'information' provided by consultees, before drawing conclusions.

Question 22. Do you have any other comments on the implementation of Regulation 1099/2009 in Wales?

Yes No

Comments

i) All the WASK provisions being considered for retention in the national rules (as set out on pages 35-44 of the consultation document) should be kept.

ii) It is of concern that the revised Regulation – and it would seem, the implementation of this in Wales, will continue to permit use of electric goads on adult bovine and porcine animals. This is not necessary and can result in unnecessary distress and suffering. Under the RSPCA's welfare standards for farm animals, use of electric goads at any time has been prohibited for some years. Abattoirs approved under the RSPCA's Freedom Food assurance scheme cannot therefore use goads. This illustrates the viability of such a prohibition in practice, as these establishments manage to move animals as required without any use of goads. This 'best practice' approach to moving animals in abattoirs should therefore be adopted under the revised legislation.

iii) The provisions relating to use of gas to stun pigs seem confusing. It would appear that low levels (below 80 per cent) of carbon dioxide are to be permitted as a stunning method for pigs. If this is the case, it is extremely disappointing. Whilst it is acknowledged that carbon dioxide is aversive to pigs (hence RSPCA Cymru's strong support for the inclusion of inert gases as a permitted method for stunning pigs under the new Regulation) it is currently the only gas used to kill pigs in practice in the UK. Permitting lower concentrations of carbon dioxide to be used will prolong the necessary duration of exposure required to induce unconsciousness and therefore the period of aversion.

In addition, there is an opportunity for the Welsh Government to set a date for phase out of the use of carbon dioxide to stun/kill pigs. It is known to be aversive (as indicated by significant body of research) and the successful transition to use of inert gases to kill poultry indicates that such a move for pigs would be achievable, given sufficient planning and motivation. We would be interested to know – in the absence of any provisions to this effect in the revised WASK Regulations – what plans the Welsh Government has to progress this issue.

iv) Stunning methods - Percussive blow to the head: It is noted within the consultation document that the provision contained within the Regulation to allow this method to be used on piglets up to 5 kg live weight is to be maintained. Whilst RSPCA Cymru appreciates that as a Regulation, there are constraints involved in transposing it into national legislation, we would

recommend that prescribing a maximum age for a particular method would be much more useful and practical than a maximum weight. In addition, traditionally this method has been used on pre-weaning piglets, which can be up to 7 kg live weight. As reported in Pig World (October 2012), there has been an agreement in place in England that in an emergency a pig can be killed by any means as long as it is killed humanely without avoidable pain, distress or suffering being caused, as stated within the Regulation. Therefore, it is presumed that a percussive blow to the head could in fact be used on piglets weighing more than 5 kg. Clarification on this point for Wales would be extremely useful for the industry and law enforcers and we would urge the Welsh Government to ensure that suitable methods are made clear to producers, particularly where the new Regulation appears to amend current practice.

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: