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Sir

### **Review of EU Animal By-products Regulation (EC) No 1774/2002**

Thank you for the opportunity to respond to the above consultation.

The Deer Initiative (DI) is a wide partnership of statutory, non-statutory, voluntary and private interests. Whilst originally set up by the Forestry Commission and still, in the main, funded by the Forestry Commission and English Nature, it has a core staff whose activities are both to co-ordinate the relevant activities of the partners and to deliver some functions directly. The aim of the DI is “to ensure the delivery of a sustainable, well managed wild deer population in England and Wales”. The staff and finances of the DI are managed through the DI Ltd, a charitable company limited by guarantee, dedicated to supporting the DI. In the limited time available we have discussed this response with Forestry Commission (GB), Forest Enterprise (England), BASC and the DCS. There have also been longstanding discussions with other partner organizations including the National Trust and the National Gamekeepers Organisation. This response reflects the views of the staff of the DI and the influence of our partner organizations. However each of our partner organizations will no doubt respond separately to reflect their particular interest in this matter.

Our remit extends only to wild deer but some of our partners also have an interest in Park deer and other wild/feral mammals and where appropriate we have included some points in our comments below. We have been charged with Ministers (as part of the Defra wild deer action plan) with assisting in ‘clarifying carcass waste and by-product disposal issues, and disseminating the consequent guidance’ (in England and Wales).<sup>1</sup>

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<sup>1</sup> The Sustainable management of wild deer populations in England: An Action Plan, December 2004.

We believe that the wild game sector (and the wild deer sector in particular) may be significantly affected by policy implementation and would welcome this consultation.

We recognize that this is the first of a number of consultations and have focused our response on the nature of the issues regarding wild deer and will be happy to contribute to further consultations on the likely acceptability of any preferred option(s). We recognize that major changes to the fundamental purpose and scope of the Regulation are unlikely to be negotiable.

We agree with the general principles set out in Annex 2 to the Review and in particular the risk based approach set out and the consequent 3 possible methods of dealing with such risks.

We have the following comments on the consultation.

### **Article 1**

We are generally content that by-products from healthy wild animals should remain exempt from the legislation. There are however a number of issues that require greater clarity if not changes in legislation and this review seems to provide an ideal opportunity to ensure that all those involved in the industry are aware of the legal (and best practice requirements).

In relation to wild deer, I believe that we are all agreed that:

- Animal by-products of healthy wild deer that result from evisceration or preparation for the food chain should be exempt 'at the point of shot'. (We believe that the leaving of carrion arising from wild animals not suspected of being diseased (including by-products, part carcasses and carcasses) distributed appropriately in time and space, subject to Water Guidelines and other environmental factors, can play an important part in nutrient cycling and habitat ecology and needs to be accepted and encouraged in appropriate circumstances).
- Currently 'subject to the exception in Article 1(2)(c) of Regulation 1774/2002 the carcasses, or parts of carcasses, of wild animals do not come within the scope of the Regulation unless they are thought to be diseased or are used to produce game trophies. Accordingly, if there is a plant that cleans wild animals for human consumption, the remainder of the animals (ie an AGHE) (i.e. the parts not sent for human consumption) are not treated as animal by-product for the purposes of the Regulation.'<sup>2</sup>
- This exemption applies to all by-products from wild animals (providing they are not diseased or for use in game trophies), even if they are produced at a larder.<sup>3</sup> (larders used for collection, primary processing and temporary storage in the skin of deer carcasses for human consumption typically produce few by-

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<sup>2</sup> King, Jason (BSE), 05 April 2005 11:39.

<sup>3</sup> Bolton, Sue (BSE), 28 May 2003 10:30.

products. By-products arising at deer larders of deer not suspected of being diseased would be classed as Category 3 material, essentially material fit for human consumption, if they have to be brought within the scope of the Regulation. Deer carcass best practice handling procedures require the carcass to be bled as soon as possible after the shot. The trauma of the bullet strike starts the process and bleeding is assisted with a knife as soon as the hunter approaches. As a result, deer larders normally have to deal with very small quantities of blood washed down with potable water and food-grade disinfectant. The washings from deer larders typically enter waste water drainage systems and if this disposal route was to be prohibited by the Regulation it would have extremely serious logistical and above all financial implications).

It is clear that some EHOs are unaware of the above and though willing to accept by-products remaining in the field, they are pressurising deer managers who eviscerate deer in a larder to dispose of by-products in accordance with the Regulations.

Research<sup>4</sup> suggests that only nineteen percent of muntjac, 46% of roe and 76% of fallow deer are processed through an AGHE. The remainder is processed by individual deer stalkers either at home or in deer larders. Many of these carcasses are processed for home consumption and we assume that the by products are disposed of as domestic waste. The new Game Meat hygiene legislation will allow individuals (who are locally registered as food businesses, but not subject to the regulation of AGHEs) to process up to 300 carcasses (and 10,000 small game) each year for local sale.

Thus requiring AGHEs to abide by the Regulations would still leave a significant proportion of the annual cull outwith the Regulations (and provide a competitive commercial disadvantage for AGHEs).

If the intention of the proposed change in Article 1.2 (c) is to include **all** those who skin or cut, or further process, any game meat (including gamebirds) for their own consumption we would be concerned that the proposed change, as written, would be onerous, unenforceable and not justified by the risk posed.

### **Park Deer**

As we stated in the introduction we have no specific remit for Park Deer but there remains confusion over the difference between wild, park and farm deer. We would welcome a clear view as to the status of Park Deer in terms of this legislation (though we recognise this may be problematic. Currently EHOs are clearly finding it difficult to decide and we have been asked on a number of occasions to provide advice. We currently fall back on advice given by your Department<sup>2</sup> that 'whether or not an animal is a wild animal (for the purpose of the enforcing the Regulation) is a question of fact. In most cases it will be obvious (for example, wild birds that have never been owned or controlled are wild animals). However, where there is doubt, some of the

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<sup>4</sup> Pers comms, BASC Deer Officer, 25 April 2006.

considerations to take into account in deciding whether or not something is a wild animal are;

- (i) has the animal ever been fed by man
- (ii) has it ever been managed by man, or received veterinary attention from man
- (iii) has man ever established artificial boundaries that it cannot ordinarily pass.'

However the corollary to that advice that 'even if some or all of these questions are answered in the affirmative, it is still possible that the animal is, or may have subsequently become a wild animal' leaves room for considerable confusion.

#### **ARTICLE 4 – 6**

We would support the co-incineration of animal by products alongside incineration as a way of disposing of those by-products.

#### **4. ARTICLE 5**

We would support the expansion of Article 5 to include "meat, poultry meat, fish, game and former foodstuffs of animal origin which has spoiled in such a way that they present a risk to human or animal health".

Article 5.2 (f) provides for wild animals which are not suspected of being infected with communicable diseases to be used to produce game trophies in "an approved technical plant". It is our understanding a "technical plant" means "a plant in which animal by-products are used to produce technical products" i.e. game trophies. If this interpretation is correct, this could exclude an individual deer manager preparing trophies for him/her self or others on their own premises or up to 15,000 recreational and professional deer stalkers would fall within the Regulation and be subject to restrictions. We would be grateful for clarification of this matter.

We recognise the value in allowing the use of all categories of materials (and associated trade and import) for the exhibition, identification and testing purposes beyond that of game trophies, providing conditions laid down by the competent authority are met.

We would welcome an opportunity for further discussion on the proposals at the earliest opportunity.



Peter Watson  
Executive Director