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Summary of Responses to the Consultation on New Regulations and Code for Meat Chicken Welfare from 26 January 2009 to 20 April 2009

July 2009

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<http://www.defra.gov.uk/corporate/consult/broiler-welfare/index.htm>

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1: Introduction

1.1 On 26 January 2009 the Department of Environment, Food and Rural Affairs (Defra) published a consultation on new Regulations and Code for meat chicken welfare. The Welfare of Farmed Animals and Mutilations (Permitted Procedures) (England) (Amendment) Regulations 2009 will be made under the Animal Welfare Act 2006 and transposes Council Directive 2007/43 <http://www.defra.gov.uk/corporate/consult/broiler-welfare/index.htm> regarding the welfare of meat chickens.

1.2 Council Directive 2007/43 and the draft Regulations apply to those who keep conventionally reared meat chickens but do not apply to:

- Holdings with less than 500 birds
- Hatcheries
- Breeding chickens
- Extensive indoor
- Free-range, or
- Organic chicken

However, these birds are still subject to the general provisions of the Animal Welfare Act and Schedule 1 of the Welfare of Farmed Animals (England) Regulations 2007 as well as Defra's Code of recommendations for Meat Chickens and Breeding Chickens.

1.3 The Directive lays down various requirements for the keeping of conventionally reared chickens from the time chicks are brought to production sites until they leave for slaughter. These requirements depend on the stocking density being operated. There are new provisions for checks at the slaughterhouse on mortality and other indicators so that a consistent approach to concerns about poor welfare can be taken via feedback to the producer and Animal Health. The Directive is thus unique in that it measures welfare outcomes and provides for a feedback mechanism between delivery agents and the producer, thus potentially identifying those who may be operating at lower levels of stockmanship.

1.4 The Consultation ran for 12 weeks from 26 January to 20 April 2009. A total of 17 responses were received during this period and a list of those who responded is at Annex A. In line with Defra's policy on openness, respondents were informed that their views may be made publicly available. Those wishing their comments to be treated confidentially were asked to make this clear. We had one such request. We are grateful to all those who responded. This summary tries to reflect the general views offered, but inevitably, it is not possible to describe all the responses in detail.

1.5 Copies of this summary can be obtained from:

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2. Executive Summary

2.1 There was general agreement that the definition of “person responsible” as contained within the Animal Welfare Act 2006 was sufficient to capture all those who have a responsibility for meat chicken welfare. Opinion was divided as to whether the Statutory Instrument should provide the option for producers to stock up to a maximum of 42kg/m². The majority of respondents supported the idea of implementing the Directive’s training provisions via the use of National Vocational Qualifications and for a prior experience (“grandfather rights”) scheme although it was felt that this should be time limited.

2.2 There was support for the proposed system for notification of stocking density to Animal Health and subsequent approval although there were some comments around timing and an appeals process. The suggestion was also made that all producers should have an inspection from Animal Health whatever the stocking density and that membership of an assurance scheme should be compulsory for those wishing to stock at higher levels.

2.3 Most respondents agreed with the proposed system of communication between Animal Health and the Meat Hygiene Service. There were a range of comments concerning the need for electronic communication, the suggestion of risk-based slaughterhouse monitoring and the need for a clear understanding of the roles between Animal Health, the Meat Hygiene Service and Local Authorities.

2.4 The suggested approach to the provision of mortality rate data for each day only when a set trigger level was exceeded was generally supported by respondents. There was some concern though that a particular mortality event might be missed and the need for an appropriate trigger level was stressed. Those respondents who felt that the proposed system was not acceptable pointed to the fact that essential information would be lost and that variations in mortality from day to day provided vital information relating to problems in production.

2.5 In respect of monitoring and follow up procedures at the slaughterhouse respondents commented on the post mortem indicators that would be chosen and the setting of trigger levels. It was felt that further information was required on which post mortem conditions would be used as well as a clear definition of trigger points for action. Other comments centred on the quality of slaughterhouse data and future access to data.

2.6 Comments were received on the Impact Assessment concerning public funding of charges that would arise for the Meat Hygiene Service, Animal Health or Local Authorities. It was suggested that the high value of the public benefit deriving from the welfare benefits gained was more than sufficient to offset any additional public costs incurred. Points were also made about the inconsistency of permitting stocking densities above 30kg/m² with statements in the Impact Assessment about improving the welfare conditions for meat chickens. It was also noted that the Impact Assessment did not take account of the potential financial benefits that could be achieved by rearing moderately slower-growing birds with lower stocking densities and the provision of environmental enrichment.

2.7 There was very little response to the assumptions made about the percentage of holdings that currently stocked above 39kg/m² up to a maximum of 42kg/m² or who would continue to do so once the Regulations came into force.

2.8 There was general agreement that the draft revised welfare Code was clear and easily understandable. Only one respondent felt that the repeated system qualifiers made the Code more difficult to follow quickly and suggested that the Code would benefit from removal of the segregation of system categories altogether on the basis that what should apply to some producers should apply to all in the promotion of good welfare practice. There was support

for the Annex to the Code with several respondents suggesting other sources of information which could be added. A number of respondents felt that the Code needed to strengthen advice on key drivers such as bird genetics, stocking density (including thinning), environmental enrichment, good nutrition, management and building and systems design. Other comments were received regarding specific drafting suggestions for sections of the Code.

2.9 Four respondents suggested that the draft legislation should be extended to cover all systems of production even though the Directive specifically excluded extensive indoor, free-range and organic systems.

3: Summary of Responses

3.1 The responses received in relation to the specific questions raised in the consultation paper are summarised below.

<p>Q1 – Is the meaning of “person responsible” contained within the Animal Welfare Act 2006 sufficient to capture all those who will have responsibility for meat chickens at any stage on the holding?</p>
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Four respondents agreed that the definition was sufficient. Other comments included:

- the need to define “responsible”,
- further clarification of the terms “owners” and “keepers”,
- clarity about people apart from stock-keepers who were classified as “persons responsible”.

<p>Q2 – Should the Statutory Instrument provide the option for producers to stock up to a maximum of 42kg/m²?</p>

Opinion was divided with five respondents specifically supporting the inclusion of this higher stocking density and six specifically stating that the Statutory Instrument should not provide the option to stock up to a maximum of 42kg/m². The remaining respondents did not comment on this question.

Arguments in support of a figure of 42kg/ m² included:

- sufficient safeguards were in place to ensure that only facilities and managers capable of operating at this stocking density would be able to do so and that bird welfare would not be compromised,
- would not wish to see England only constraints imposed now when future developments may make this an option well within the welfare criterion set down in the Directive,
- an increased risk of imports if not permitted,
- not to do so would be gold-plating,
- in specific cases such as after movement restrictions have been imposed, it might be necessary to stock above 39/kg/m².

Arguments against a figure of 42kg/ m² included:

- clear scientific evidence that welfare problems increased with higher stocking densities. These included more hock and foot pad damage, more scratches and bruising, poorer gait, reduced movement and increased frequency of disturbance as well as the inability for birds to express their normal behavioural traits,
- there could be less rigorous culling of lame birds and therefore increased suffering, in order to meet the target mortality levels for stocking at 42kg/m²,
- Only a small number of producers were likely to take up this option if it were available given that a high proportion of meat chicken growers were members of Assured Chicken Production who operated at a limit of 38kg/m².

Several respondents suggested that a maximum density of 25kg/m² should be set in line with the Scientific Committee on Animal Health and Welfare (SCAHAW) Report with an allowance for up to 30kg/m² for units that had good environmental control systems and were able to maintain key welfare indicators within acceptable limits.

One respondent commented that independent analysis of production data from farms operating to Freedom Food and Assured Chicken Production standards suggested that the health and welfare benefits could result in financial benefits to compensate for the financial impact of reducing stocking density and growth rate.

Q3 – Comments and suggestions are welcome on any aspect of our proposed methods of implementing the training provisions of the Directive via the use of National Vocational Qualifications (NVQs). In particular we welcome views on our proposal to run a “grandfather rights” scheme. Is this something that is needed and how many farmers and stock-keepers would wish to take advantage of this scheme?

Six respondents supported the idea of implementing the Directive’s training provisions via the use of National Vocational Qualifications (NVQ). It was pointed out that NVQs were being taken up by producers with success and that the Poultry Passport scheme had been developed by industry to demonstrate these skills in a clear and transparent manner.

Other comments included:

- the need for the industry to retain input into any future welfare training and NVQ module development,
- a Level 2 NVQ should be seen as the minimum qualification that stock-keepers working on broiler farms should hold and that NVQ units focussing on broiler welfare must cover all important aspects relating to this area and remain compulsory,
- the provision of an equivalent qualification should be accepted.

Seven respondents supported the idea of a prior experience or “grandfather rights” scheme. Specific comments included:

- there was a wealth of skill and expertise within the industry from experience gained and practice in the work place,
- “grandfather rights” was a sensible and practical means of progressing to a recognised qualification standard over time without incurring additional cost or potential for staff shortage,

- “grandfather rights” should only be given to those who could provide evidence that they had been involved in the care of poultry for a number of years and had a proven good record regarding poultry welfare.

Three respondents felt that such a scheme should be time limited. Suggestions included:

- that any scheme should be limited to within the first year of implementation,
- that the scheme should operate for two years post the new Regulations coming into force,
- self certification was the practical way forward because the training structure would not be able to cope with a very heavy demand over a short period.

No respondents disagreed with the approach to training via NVQs whilst three consultees specifically disagreed with a “grandfather rights” scheme. Reasons given included;

- previous experience was not commensurate to competence or good stockmanship,
- no truly experienced person would ever consider themselves beyond the need for training,
- without proper training, common misconceptions about animal welfare and behaviour may be maintained and propagated.

<p>Q4 – What are your views on the proposed system for notification of stocking density and approval by Animal Health</p>
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Four respondents specifically supported the proposed system. Individual comments included:

- approval should not be withheld without good reason,
- there should be a process of appeal,
- there was no need for a producer to notify a change of stocking density downward between bands. The Competent Authority need only be notified of any increase in stocking density,
- that with the appropriate information management the proposed system seemed feasible although the timescale for Animal Health to grant approval seemed short if a producer only submitted information 15 days before stocking,
- questioning of the scope of use of poultry register data,
- if Local Authorities had a role in enforcement then it would be useful for them to receive data on any premises approved by Animal Health to stock at a higher density to ensure that their records were complete,
- there should be some level of independent assessment and verification of all holdings to ensure compliance with the appropriate provisions of the Regulations although premises that were part of a suitable assurance scheme, that had appropriate provisions relating to the Regulations, could be exempt from prior inspection/approval,
- a state inspection should be required for any producer applying to use a density above the basic level.

Q5 – Do you have comments on the proposed system of communication between Animal Health and the Meat Hygiene Service

There was general support for the proposed system of communication. Specific comments included:

- that there must be electronic communication between Animal Health and the Meat Hygiene Service,
- that these routes of communication already existed for communication of food chain information for Food Hygiene Regulations purposes,
- that there should be a risk-based approach to monitoring in the slaughterhouse,
- that although the method of communication seemed sensible, the quantity and quality of the information was not adequate,
- that the private veterinarian responsible for the birds should be contacted at the same time as Animal Health if the Meat Hygiene Service had concerns over welfare or health issues, in order to address any on-farm issues ASAP,
- that there needed to be a fast track route to avoid delays with serious welfare issues and that as Local Authorities might be required to take formal action that it would be sensible to include them in the loop as some of the welfare issues might be linked to transposition,
- guidance to the Meat Hygiene Service about the welfare of chickens arriving at slaughterhouses must reiterate that Local Authorities should be contacted in relation to any welfare concerns about birds not covered by this new legislation,
- there needed to be a clear understanding of the roles of Animal Health, Local Authorities and the Meat Hygiene Service. The description of the proposed enforcement regime in the consultation package did not reflect current enforcement responsibilities and practice. Each individual local authority was best placed to decide how resources relating to animal health and welfare were directed and what formal enforcement action would be undertaken,
- Defra should give Animal Health full responsibility for enforcement of the new Regulations or develop a more appropriate role for Local Authorities and ensure that this was fully funded.

Q6 – What are your opinions on only requiring producers to provide mortality rate data for each day of production when the value provided for “House mortality to age when the Food Chain Information completed” exceeds a set trigger level?

Six respondents specifically supported this approach. Comments included:

- it should help to reduce administrative burdens,
- information on daily mortality rate data should only be supplied on request from Animal Health rather than when a particular indicator was exceeded in the monitoring at slaughterhouse,

- reluctant to agree to additional requirements to be carried out by officials in slaughterhouses because of the significant new costs that this would bring to Defra or plant operators,
- whether the suggested approach could mask any days when mortality was particularly high due to some welfare insult that may require further investigation,
- there might be a risk that this system would miss particular mortality events which it could be important to monitor in case they regularly occurred across flocks at the same farm,
- desirable to move towards a Cumulative Mortality rate within 6-12 months of the Regulations coming into force,
- that the determination of the actual trigger level was critical and how it compared to the normally observed range of routine mortality. Any trigger system should be designed in such a way that it did not itself drive down levels of on-farm culling,
- there was some concern over the accuracy of data collection from which triggers might be derived and active industry involvement was suggested.

Two respondents explicitly stated that the proposed system was not acceptable. They felt that essential information would be lost and that variations in mortality from day to day provided essential information relating to problems in production. They suggested that Government and the industry should plan to move towards electronic means of collecting data.

<p>Q7 – What are your overall opinions on the proposed monitoring and follow-up procedures at the slaughterhouse?</p>
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Respondents commented on the post mortem indicators that would be chosen and the setting of trigger levels. Specific points included:

- that providing thresholds to trigger follow up action was reasonable but that allowances should be made for one off incidences,
- that the monitoring system should obtain key information about welfare outcomes and that further information was required on which post mortem conditions would be used as well as a clear definition of trigger points for action,
- that monitoring should include assessment of hockburn, footpad dermatitis and breast blisters and that work should be done to get agreement on meaningful limits for these conditions. Farm assurance schemes already required much of this information,
- would not want to see England going ahead of the Commission in the area of welfare outcomes and that any sanctions or penalties for non-compliance must be proportionate and in line with the rest of the EU.

Other comments centred on the quality of slaughterhouse data. These included:

- that setting of trigger levels should be dependent upon the Meat Hygiene Service having in place a reliable system to measure and record the accuracy of post mortem inspections,

- that unless steps were taken to improve data collection and reporting systems at processing plants, then Defra would not be able to collect accurate and ample information and would be faced with drawing conclusions based on substandard data,
- that existing systems for collecting and collating data in the slaughterhouse had not had a record for clarity and transparency and sought reassurances that data collected would be formalised and fully reported,
- unclear how standardisation within the UK and Europe would be applied at slaughterhouse level where action on post-mortem findings was at the discretion of local OVs,
- wanted assurances that any additional Meat Hygiene Service costs would be met by the Government in full and not passed onto the industry.

<p>Q8 – Welcome comments on the assumptions, costs and benefits set out in the Impact Assessment</p>

Comments included:

- the Impact Assessment strongly supported the case for any charges from the Meat Hygiene Service, Animal health or Local Authorities to be publicly funded. The high value of the public benefit driving from the welfare benefits gained was more than sufficient to offset any additional public costs incurred,
- actual enforcement costs must be met directly by Defra or the body concerned as part of the investment in the much greater public good and not pushed onto producers and processors. A case could even be made for the cost of welfare training requirements to be met from the public purse,
- that permitting stocking densities above 30kg/m² was not consistent with the statement in the Impact Assessment that read “There is a high level of public concern about the welfare of conventionally reared broilers...there is also the need to provide more detailed level of protection for the broilers themselves.” Nor was it consistent with one of the primary aims of the Directive “to improve the welfare conditions for broilers”.,
- that as stocking density was considered a unique selling point within the UK, increasing stocking density may in fact disadvantage the UK industry in relation to imports from third countries,
- that stocking at lower densities such as 30kg/m² was an economically viable option as was currently being demonstrated with the Freedom Food scheme,
- some producers were choosing to stock at 34kg/m² for conventional chickens and did not receive an additional premium for this,
- the Impact Assessment did not take account of the potential financial benefits that could be achieved by rearing moderately slower-growing birds with lower stocking densities and the provision of environmental enrichment,
- would expect to see a reduction in benefits in any move to stocking densities higher than 38kg/ m². However, any associated benefits would still exceed estimated costs,
- queries about the PV of benefits figure.

Q9 – We have assumed that around 16% of holdings currently stock above 39kg/m². Is this proportion accurate?

Only one respondent answered this question. They felt that on face value the figure seemed high and that it couldn't be assumed that producers outside of the Red Tractor scheme were stocking above 38kg/m².

Q10 – We have predicted that about 5% of holdings will wish to continue to stock at above 39kg/m² after the Regulations come into force. Is this a fair assumption?

Only one person responded to this question. They predicted that a similar proportion of producers who stocked over 39kg/m² would continue to do so after the new legislation came into force. The figure could change over time as the demand for chicken from different markets changed and the emphasis on price varied or grew.

Q11 – Is the format of the Code clear and easily understandable?

Seven respondents felt that the Code was clear and easily understandable. Comments included:

- it was a valiant effort at presenting a quite confusing legislative framework,
- it was clear and well-written,
- the format of the Code was helpful and the text clear and concise.

Only one respondent felt that the repeated system qualifiers made the Code more difficult to follow quickly.

Q12 – Can you identify which sections apply to different systems of production?

Three respondents answered in the affirmative with one of these querying why training provisions did not apply for all types of chicken production of flocks with more than 500 birds. One respondent felt that the Code would benefit from removal of the segregation of system categories altogether on the basis that what should apply to some producers should apply to all in the promotion of good welfare practice.

Q13 – Is it useful to have an Annex containing information on some other legislation affecting meat chickens?

Five respondents felt that an Annex was useful. Several suggested other sources of information which could be added.

Q14 – Is there any additional on-farm welfare advice that you would find helpful to have in the Code?

Three respondents felt that the Code needed to strengthen advice on key drivers such as bird genetics, stocking density (including thinning), environmental enrichment, good nutrition, management and building and systems design.

Other comments included:

- that there was too strong and heavy an emphasis on the use of feed restriction as an effective and acceptable management tool to tackle the welfare issues associated with fast growth rates. The importance of tackling the issue itself rather than the symptoms should be stressed more and made more explicit,

- genetic based solutions should be discussed and promoted,
- more information was required on litter since the specific Defra publication was no longer available,
- should be reference to other Regulations relating to chicken production as well as a quick guide to the necessary bodies and organisations a producer new to the industry must register with. This could sign post producers to organisations such as the NFU who could deliver professional advice and representation,
- Code should state that meat chickens should not be beak trimmed since this was already forbidden in farm assurance schemes. The root causes of feather pecking and cannibalism should be addressed without resorting to painful mutilation,
- that the section on beak trimming should mention that from 1 January 2011 beak trimming would be banned,
- that emphasis should be added on the importance of following Breeder recommendations for the management of genotypes. Birds needed to be reared in ways that breeders or other specialists recommended.

A number of comments were received regarding drafting of various sections of the Code.

Comments on specific issues

3.2 A number of those who responded provided additional comments on specific issues. The key issue raised and the comments received are summarised below.

Scope of legislation

Four respondents suggested that the draft legislation should be extended to cover all systems of production even though the Directive specifically excluded extensive indoor, free-range and organic systems. These systems were not without particular welfare risks and should have the same training provisions. Consideration should be given to applying the same monitoring requirements to flocks from these systems if only for the purposes of building information on their relative performance in welfare outcomes. One respondent suggested that this may make monitoring easier in slaughterhouses that were processing all systems of chickens. They also suggested that if sanctions were not applied then this might not amount to gold-plating. Another felt that the recommendations contained within the Code should also apply to all production systems.

4: Government response

4.1 The responses received have been greatly appreciated. For some of the specific questions asked there have been an opposing range of views and opinions. The Government will carefully reflect on the views expressed in order to reach a final decision on the drafting of the Statutory Instrument and the revised Code of Recommendations for Meat Chickens, the formulation of industry training provisions and the development of other areas covered in the consultation such as slaughterhouse monitoring and communication between various delivery agents and producers. A more detailed Government response will be published in due course.

Annex A

List of respondents

- Advocates for Animals
- Association of Independent Meat Suppliers
- British Poultry Council
- British Veterinary Association
- Cobb Europe Ltd
- Compassion in World Farming
- European Forum of Farm Animal Breeders
- Farm Animal Welfare Council
- LACORS (The Local Authorities Coordinators Regulatory Services)
- National Farmers Union
- Royal Society for the Prevention of Cruelty to Animals
- Scottish Agricultural College
- Trading Standards Institute
- World Society for the Protection of Animals
- 2 Sisters Food Group Ltd
- One private individual