

Final Business and Regulatory Impact Assessment

Title of Proposal

The Specified Diseases (Notification) Amendment (Scotland) Order 2016

Purpose and intended effect

Background

Porcine Epidemic Diarrhoea Virus (PED) can cause severe diarrhoea and dehydration in pigs. PED became notifiable in England on 18 December 2015, but is not reportable to the OIE. A new, highly pathogenic, strain of PED virus has spread quickly across North America and has been confirmed in the Ukraine in December 2014.

A milder strain of the disease has been circulating in Europe since the 1970s and affected several farms in Scotland in the 1980s. Although less virulent, this strain can still have a significant negative impact on health and welfare of pigs. In the 1980s the disease was controlled and eradicated by swift veterinary support, containment of infected pigs (e.g. voluntary movement restrictions) and implementation of stringent biosecurity.

The new strain can kill up to 80-100% of infected suckling piglets in naïve herds (i.e. herds not previously exposed to the virus). Adult pigs can become infected but generally do not die, however, there may be significant consequences for productivity, such as a significant reduction in growth rates and poor reproduction performance.

PED can be spread rapidly by contact with infected pigs, their faeces or bodily fluids. It can also be spread through contact with contaminated feed, water, implements, vehicles, premises, human clothing/footwear, and other fomites (items that are not infectious in themselves but can become contaminated and transfer infection).

The pig industry throughout GB is keen to ensure the disease does not develop in this country. Consequently, discussions between government and industry representatives have resulted in two industry-led initiatives to help prevent and control an incursion of the virus.

In the first initiative, the industry has developed contingency plans across GB to respond to an incursion of PED. A key component of the plan in Scotland is the collaboration between Quality Meat Scotland¹ (QMS) and Wholesome Pigs Scotland² (WPS) to establish a Scottish Pig Disease Control Centre (SPDCC). Reports of suspect/confirmed cases will be made by telephone to the SPDCC.

¹ Quality Meat Scotland is an executive non-departmental public body of the Scottish Government established under The Quality Meat Scotland Order 2008

² Wholesome Pigs (Scotland) Ltd is a producer co-operative formed to manage a health scheme where pig carcasses are regularly monitored post-slaughter to assess the presence of any clinical disease.

SPDCC staff will offer biosecurity advice and support to the keepers of pigs on suspect and infected premises (larger outbreaks may require additional staff from other organisations, such as Scottish Pig Producers³). SPDCC Staff will enter the location details of confirmed PED cases into the ScotEID⁴ database to identify any pig keeper within the local area of an infected premises. Keepers identified will be contacted and informed that PED may be present or has been detected in a herd in the area and to be vigilant for signs of disease. Advice will be given on what biosecurity measures can be put in place to prevent an incursion of the disease.

In the second initiative, industry representatives across GB (including QMS, Scottish Pig Producers, NFU Scotland (NFUS), Pig Veterinary Society, the National Pig Association, the British Pig Association and AHDB Pork) are requesting that the UK Administrations make PED notifiable on suspicion or confirmation. In Scotland, pig industry representatives and the Scottish Government have discussed the notification process and propose that reports of PED be made direct to the SPDCC, including the name and address of the keeper of the herd (ie the person who owns or is responsible for the pigs, whether on a permanent or temporary basis) and location of where the affected pigs are kept. The industry argues that by making the disease notifiable it will help support their own contingency plan through early identification and containment of the disease and so increase the likelihood of eliminating the disease before it gets an opportunity to become widespread and more difficult to manage. Early identification of initial suspect or confirmed PED cases is vital for slowing the spread of the disease to other units, thereby reducing the impact of PED on the wider industry. If the disease is not made notifiable, laboratories and private veterinary surgeons would not be able to disclose disease from a particular farm due to client confidentiality.

Objective

To make it a legal requirement, through the introduction of a Scottish statutory instrument made under the Animal Health Act 1981, for:

- a person who has in their possession or under their charge a pig or pig carcass which they know or reasonably suspects may be infected with PED to notify a person authorised by Scottish Ministers as soon as practicable.
- A veterinary surgeon or other person who examines or inspects a pig or pig carcass which they reasonably believe is infected with PED to notify a person authorised by Scottish Ministers as soon as practicable.
- A person who, following analysis of a sample taken from a pig or pig carcass, reasonably suspects is infected with PED to notify a person authorised by Scottish Ministers as soon as practicable.

Note: in practice it is proposed that notification would be to QMS.

This will help support the pig industry's voluntary PED contingency plan by encouraging the prompt reporting of suspect or confirmed PED cases. The plan will enable immediate advice and support to be offered to affected pig keepers. It will

³ Scottish Pig Producers is a co-operative that markets pigs for its dedicated farmer members.

⁴ ScotEID is the Scottish Government's livestock movement and traceability database for sheep, goats and pigs. It also hosts the Scottish Industry led Bovine Viral Diarrhoea (BVD) eradication scheme. For more information go to www.scoteid.com.

also help ensure pig premises in close proximity or that may have been contaminated through contact tracings to increase vigilance for signs of disease and strengthen on farm biosecurity and so minimise any impact of PED on the wider industry.

Rationale for Government intervention

The rationale for Scottish Government intervention is support for the pig industry's PED contingency plans by helping to detect, as early as possible, an incursion of PED. The industry's contingency plan is voluntary and relies on the good will of pig producers to test for disease on suspicion and to adopt the movement controls and biosecurity measures outlined in the plan.

Knowing where disease is will ensure that rapid support can be offered to an affected pig keeper and ensure other pig keepers in the immediate vicinity of an infected/contact premises can adopt the heightened biosecurity arrangements.

Consultation

Within Government

Animal and Plant Health Agency
Food Standards Scotland
Department for Environment, Food and Rural Affairs
Welsh Government
Department of Agriculture and Rural Development for Northern Ireland

Business

The Scottish Government has frequently met Scottish pig industry representatives to plan controlling a potential incursion of PED in Scotland. The Scottish Government has discussed the proposal of making PED notifiable with representatives from the following organisations:

- Quality Meat Scotland (QMS)
- Scottish Pig Producers Ltd.
- Wholesome Pigs Scotland
- Scotland's Rural College (SRuC)
- National Farmers Union Scotland (NFUS)
- British Pig Association (BPA)
- Pig Veterinary Society (PVS) (British Veterinary Association)

Discussions with industry representatives from elsewhere in the UK including the National Pig Association and AHDB Pork have also taken place.

Public Consultation

Scottish Ministers have given their approval for a public consultation to seek views on making PED a notifiable disease. The consultation period has been shortened from the standard 12 weeks to six weeks, partly because of the discussions that have already taken place between pig industry representatives and the Scottish Government, and partly because making an animal disease notifiable under the Animal Health Act 1981 is not unusual. The consultation took place from

13 November 2015 to 24 December 2015.

Options

Two options were discussed and considered by the Scottish Government and Scottish industry stakeholders:

Option 1 – do nothing, i.e. leave it to industry to control an incursion of PED in GB.

- The industry has put in place a contingency plan to help control and eradicate an incursion of PED into Scotland. The plan relies on pig keepers voluntarily reporting suspicion of disease to an industry led disease control centre (SPDCC) in Huntly.
- Once reported, QMS will ensure the SPDCC offer industry advice and support to the keeper of the suspect or infected premises in accordance with the agreed contingency plan.
- SPDCC staff will identify and contact other pig keepers within the local area of an infected premises notifying them that disease is circulating

Option 2 – The preferred option is to make PED notifiable under the Animal Health Act (1981) to a person or body authorised by Scottish Ministers

- A legal obligation is placed on a person who has in their possession or under their charge a pig or pig carcase which they know or reasonably suspects to be infected with PED to notify a person authorised by Scottish Ministers as soon as practicable (Quality Meat Scotland (QMS) will be authorised to receive notifications). Under this requirement laboratory technicians and private veterinary surgeons will also be required to notify QMS if they reasonably suspect that an animal or carcase is infected with PED virus.
- The information provided to QMS would be the name and address of the keeper, a contact telephone number and the address and CPH of the location of the affected pigs.
- On confirmation of PED, QMS will activate its PED contingency plan as described in option 1 above (i.e. the SPDCC offers industry advice and support to the keeper and alerts keepers in close proximity that PED is circulating).

Sectors and groups affected

The legislation in option 2 does not put in place any movement controls and there is no requirement to slaughter affected animals. The main sectors likely to be affected by this proposal are pig keepers (including hobby farmers and those with pet pigs), private veterinary surgeons, diagnostic laboratories carrying out tests for pig diseases and abattoirs handling pigs. It is recognised that where reports of suspect PED are made by a laboratory or a private veterinary surgeon they may not know all

the information required by legislation.

Once suspicion has been reported or confirmed industry will take the lead in contacting the keeper of the affected pig premises to offer support and advice on how to control and eliminate disease and prevent onward spread to other premises. Voluntary movement restrictions may be recommended. On confirmation, SPDCC staff will input the CPH number of the infected premises into the ScotEID system to identify the name, address, telephone number and email address of all pig keepers (and the farm or production address if different) in the local area of the affected premises. Those keepers will be contacted by the SPDCC, informed that PED may be circulating in the area and asked to be vigilant for any signs of disease. Advice and support may then be offered to contact premises and this may include recommendations to either seek advice from their private veterinary surgeon or submit samples to SRuC.

Costs

Option 1 - do nothing

This option is already in place and does not involve Government introducing any legislation therefore there are no new costs to consider.

Option 2 – Place a legal obligation on:

- *a person who has in their possession or under their charge a pig or pig carcass*
- *a veterinary surgeon or other person who examines or inspects a pig or pig carcass*
- *a person who, following analysis of a sample taken from a pig or pig carcass*

which they know or reasonably suspects that a pig may be infected with PED to notify a person or body authorised by Scottish Ministers as soon as practicable.

As a result of the measure outlined in option 2 to make reporting PED compulsory there will be costs to industry associated with becoming familiar with the new requirements of the legislation and then, in the event of suspected or confirmed disease, there will be the costs of reporting to the SPDCC.

Familiarisation

The concept of reporting a notifiable disease to the authorities is a familiar one to the pig industry. There are already notifiable diseases affecting pigs (eg foot and mouth disease, classical swine fever). However, it is proposed that for PED, reporting is not to 'the authorities', but to an industry group. Farmers, private veterinary surgeons, laboratories and hauliers will be informed about this new requirement by correspondence and through articles, possibly in the specialist press.

It should not take long for each affected person to become acquainted with the notification requirements (ie. who needs to be notified and what details to provide in the event of suspicion or confirmation of the disease on the holding). However, staff

instructions may need to be drafted or changed to reflect the new legislative requirements and this may take some time to draft.

Reporting

Scotland may remain disease free in which case there are likely to be no reporting costs. However, in the event of an outbreak, the cost of reporting would be the cost of a telephone call for those reporting suspicion or confirmation of disease and the time that call takes.

It is anticipated that any costs would be easily absorbed within existing resources and would be outweighed by the benefits from reduced disease spread that early notification could bring. The Scottish Government is not proposing to put in place any additional statutory disease control measures.

Data collection

There will be a cost to the pig industry in providing staff to cover out of normal working hours cover to maintain the SPDCC's 24 hour helpline.

International Trade

There is the potential for trade restrictions from third countries once a PED case is confirmed, which could result in loss of trade for the pig industry. There is a counter argument that by making it notifiable it will be easier to declare to third countries that certain regions are free from disease. Countries outwith the EU affected by the highly pathogenic strain of PED have still been able to trade with European countries if they could meet certain export requirements.

Benefits

Option 1 - do nothing

There would be no costs to the tax payer associated with this option and the industry PED contingency plan would still be able to be implemented in full. Reports of suspicion or confirmation of disease would be made voluntarily to the pig industry's SPDCC who would activate the PED contingency plan. The plan will help maintain high animal health and welfare standards within the Scottish pig industry. However, as the disease would not be notifiable there is a risk of non-notification or a delay in reporting suspicion to the SPDCC.

Option 2 – Place a legal obligation on:

- *a person who has in their possession or under their charge a pig or pig carcass*
- *a veterinary surgeon or other person who examines or inspects a pig or pig carcass*
- *a person who, following analysis of a sample taken from a pig or pig carcass*

which they know or reasonably suspects that a pig may be infected with PED to notify a person authorised by Scottish Ministers as soon as practicable (in practice it is proposed that notification would be to QMS).

Under Option 1 laboratories and private veterinary surgeons may not be able to disclose disease from a particular farm due to client confidentiality. There is also a risk that a keeper may be unwilling to disclose they have disease or delay disclosure to the SPDCC. Introducing legislation to make PED notifiable under Option 2 increases the likelihood of disease being reported. This increases the chance of an incursion being identified thus allowing the industry to provide help and support quickly to an affected pig keeper.

Scottish Firms Impact Test

The proposed legislation is a result of a direct request from leading pig industry organisations and representatives from across Great Britain. Teleconferences between Scottish Government and the pig industry have taken place on many occasions since June 2014 where the industry has been requesting Government make PED notifiable.

Competition Assessment

There are no impacts on competition. The proposed legislation only introduces a requirement for anyone who suspects or knows a big may be infected with PED to notify QMS.

*Will the proposal directly limit the number or range of suppliers? **No***
*Will the proposal indirectly limit the number or range of suppliers? **No***
*Will the proposal limit the ability of suppliers to compete? **No***
*Will the proposal reduce suppliers' incentives to compete vigorously? **No***

Test run of business forms

There are no forms required for businesses to complete as a result of these legislative proposals.

Legal Aid Impact Test

The proposed legislation will use existing offence provisions in the Animal Health Act 1981. There are no implications for legal aid.

Enforcement, sanctions and monitoring

The offence provisions in the proposed legislation are consistent with the penalties imposed for the non-notification of other notifiable animal diseases (making non notification an offence under Section 73 of the Animal Health Act 1981). The penalty on conviction of an offence under this section is a maximum of six months imprisonment and/or an unlimited fine. Local authorities would be responsible for implementing the legislation in their respective areas.

The effectiveness of the legislation will be monitored by Scottish Government and the Scottish pig industry.

Implementation and delivery plan

Following the public consultation and consideration of responses The Specified Diseases (Notification) Amendment (Scotland) Order 2016 was laid in the Scottish Parliament on 25 January, to come into force on 2 March.

Post-implementation review

The Order will be reviewed within 10 years. A review may be held sooner if the European Commission introduces legislation or scientific advances are made in the prevention and control of this disease. Monitoring the effectiveness of the legislation will also arise from any outbreaks or suspected outbreaks of PED.

Summary and recommendation

Scottish Government recommends option 2 *ie: Place a legal obligation on:*

- *a person who has in their possession or under their charge a pig or pig carcass*
- *a veterinary surgeon or other person who examines or inspects a pig or pig carcass*
- *a person who, following analysis of a sample taken from a pig or pig carcass*

which they know or reasonably suspects that a pig may be infected with PED to notify a person authorised by Scottish Ministers as soon as practicable (in practise it is proposed to make QMS the reporting body).

The Scottish Government believes this option will best support the Scottish pig industry's efforts in ensuring suspicion of disease is reported promptly. Early detection of the disease will allow the Scottish pig industry to provide prompt support and help to affected keepers thus potentially minimising any financial impact on the wider Scottish and GB industry. This will also help minimise any negative impact on pig health and welfare of a disease incursion.

• Summary costs and benefits table

Option	Total benefit per annum: - economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
1	Nil – no legislation is proposed in this option	Nil – no legislation is proposed in this option
2	Potentially quicker identification of an incursion of PED	Familiarisation with new reporting requirements and the cost and time of a phone call to report disease if it is suspected.

Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:**Date:****Minister's name: Richard Lochhead****Minister's title: Cabinet Secretary for Rural Affairs, Food and Environment**

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