PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Twenty-first Delegated Legislation Committee

DRAFT ZOONOTIC DISEASE ERADICATION AND CONTROL (AMENDMENT) (EU EXIT) REGULATIONS 2019

Wednesday 20 March 2019

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Sunday 24 March 2019

The Committee consisted of the following Members:

Chair: MR LAURENCE ROBERTSON

Abrahams, Debbie *(Oldham East and Saddleworth)* (Lab)
† Burns, Conor *(Bournemouth West)* (Con)
† Cameron, Dr Lisa *(East Kilbride, Strathaven and Lesmahagow)* (SNP)
† Cartlidge, James *(South Suffolk)* (Con)
† Costa, Alberto *(South Leicestershire)* (Con)
† Debbonaire, Thangam *(Bristol West)* (Lab)
Doughty, Stephen *(Cardiff South and Penarth)* (Lab/Co-op)
† Drew, Dr David *(Stroud)* (Lab/Co-op)
† Graham, Richard *(Gloucester)* (Con)
† Johnson, Gareth *(Dartford)* (Con)
† Lucas, Ian C. *(Wrexham)* (Lab)
† Nandy, Lisa *(Wigan)* (Lab)
† Pollard, Luke *(Plymouth, Sutton and Devonport)* (Lab/Co-op)
† Rutley, David *(Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs)*
† Seely, Mr Bob *(Isle of Wight)* (Con)
† Stewart, Iain *(Milton Keynes South)* (Con)
† Villiers, Theresa *(Chipping Barnet)* (Con)

Mems Ayinla, *Committee Clerk*

† attended the Committee

Twenty-first Delegated Legislation Committee

Wednesday 20 March 2019

[Mr Laurence Robertson *in the Chair*]

Draft Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019

4 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): I beg to move,

That the Committee has considered the draft Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019.

It is a pleasure to serve on the Committee with you in the Chair, Mr Robertson. This statutory instrument applies to the United Kingdom and is being made under enabling powers in the European Union (Withdrawal) Act 2018. It makes technical changes to ensure operability post EU exit, and transfers powers held by the European Commission to the appropriate Ministers in the UK. It ensures that when the UK leaves the EU, there will continue to be functioning regulatory and legislative controls to protect human health against zoonotic disease, which is—some Members were asking this earlier—disease that may transfer from animals to humans, in this case with a particular focus on salmonella.

I should make it clear, first, that the instrument does not make any changes to the standards set out in the EU regulations, and secondly, that in transferring the powers held by the Commission to appropriate Ministers in the UK, there is no intention to lower the standards that protect the public from the risk of contracting salmonella from poultry. Thirdly, we have worked with the devolved Administrations on this instrument, and they have given consent to it.

The current EU requirements set out in EU regulation 2160/2003 and related legislation set targets to reduce the prevalence of salmonellas of public significance in poultry. Targets are achieved through control programmes, regular sampling for the presence of salmonella and action such as culling where salmonella is found. Where poultry and hatching eggs are traded between EU member states and with other countries, the results of salmonella sampling must be shown on health certificates. Trade with countries outside the EU is permitted only if the country is on a list of approved third countries with equivalent controls.

The SI makes technical amendments; for example, it removes or amends references to EU institutions such as Community reference laboratories and the Commission —references that will no longer be appropriate after EU exit. There are no changes to the standards in the EU regulations.

Part 2—the main part of this SI—transfers powers currently held by the Commission to the appropriate Ministers in the UK. The powers that are being transferred permit procedural and technical changes relating to, for example, targets for the reduction of the prevalence of salmonella, detailed requirements for control programmes and specifying the responsibilities and tasks of laboratories.

Theresa Villiers (Chipping Barnet) (Con): It would be helpful to know whether anything in the regulations will address anti-microbial resistance risks. Although those risks are obviously a significant threat to human health, zoonotic diseases affect the risk of AMR in the animal population having an effect on the human population. If we are to tackle AMR, it is crucial that we have in mind problems relating to zoonotic diseases. I would be very grateful if the Minister commented on that point.

David Rutley: My right hon. Friend makes an important point. I know she has a keen interest in these issues. Overall, British Poultry Council members have reduced antibiotic use by 80 tonnes—by 85%—between 2013 and 2017. That is important. We are keen to reduce AMR across the population, and among farmed animals, over the next few years. In poultry, we already see significant reduction.

These powers also permit the Secretary of State to make changes to the list of third countries from which imports of live poultry and hatching eggs may be accepted. Part 3 makes minor consequential changes to European economic area agreements. Part 4 makes very minor consequential amendments to secondary legislation in England, Scotland and Northern Ireland; the Welsh Government have chosen to make the corresponding changes separately. Part 5 ensures that existing programmes controlling salmonella in poultry through regular testing and control methods, such as culling and restrictions on eggs from infected flocks, will remain in place after exit day, and that the reference laboratories carrying out testing and analysis are able to continue to operate without new designations.

As a result of transferring powers to the devolved Administrations, instead of having UK-wide targets for the reduction of salmonella and UK-wide national control programmes, each Administration will have their own. We will continue to work closely with the devolved Administrations to establish sensible ways of working together to maintain a coherent UK system of controlling zoonotic disease after EU exit while respecting the devolution settlements. The control programmes in the devolved Administrations will continue to function after we leave the EU much as they do now. Targets will be set at the same level, and requirements for testing, culling and other restrictions will remain unchanged.

Ian C. Lucas (Wrexham) (Lab): I represent Wrexham, which is on the border, as the Minister, who comes from Cheshire, knows well. Businesses in Wrexham—food-related business, in particular—will be very interested in the fact that the regime that is being put in place in Wrexham appears to be separate from the one that will apply in, for example, Chester. Has there been any consultation on that? If so, who has carried it out?

David Rutley: I thank the hon. Gentleman for that intervention. I hope his team is doing better than Macclesfield, although we are in a higher division. However, let us move on from the football.

Ian C. Lucas: Thanks for that.

David Rutley: I just wanted to rub it in. We have respect for football and many other things.

Although there will be different control programmes, the targets will be set at the same level. The point is that we want to continue to work with the devolved Administrations. They have had engagement with the process. The hon. Gentleman makes an important point about consultation. I was just moving on to that, so I am grateful to him for raising it. We have not consulted formally, because that is not required. A large number of EU exit statutory instruments make minor amendments or introduce the technical fixes necessary to ensure a functioning statute book. In such cases, as with this statutory instrument, consultation is not required as there is no change to policy. Nevertheless, we and the devolved Administrations have engaged with key stakeholders about the instrument, and we have explained that there will be separate targets and control programmes in each Administration once it takes effect. That is understood by stakeholders.

Ian C. Lucas: Can the Minister clarify that for me? As I understand it, these regulations are currently dealt with at an EU level, and in the future they will be dealt with separately by the Welsh Government and the UK Government. Is it not the case, therefore, that by definition there is a change in policy, because there is a transfer and an introduction of different standards in Wales and the rest of the UK?

David Rutley: I understand that point. If the hon. Gentleman or any of his local businesses need further clarification, I will gladly pick that up separately. We want to make sure people fully understand. We are moving from a UK-wide control programme to one that is devolved, so these powers will be transferred not only to the UK but to the devolved Administrations.

The devolved Administrations have been involved with this. I have worked with them, and visited the Scottish Government. There is an active dialogue on these really important issues. I do not think anyone is seeking to change standards in this area imminently—the hon. Member for East Kilbride, Strathaven and Lesmahagow is nodding. That is where we are, but that is not to say that, at some point in the distant future, if we were to move to this scenario, there might not be some divergence, but that is not planned right now. I assure the hon. Member for Wrexham that I will happily meet him separately or arrange meetings with his local poultry producers if required.

As the control programmes will continue to operate much as they do now, the potential impact of this SI have been estimated to be unlikely to be significant. As a result, no impact assessment has been undertaken.

The Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019 aim to ensure that there will be functioning regulatory and legislative controls for salmonella in poultry when the UK leaves the EU. For the reasons I set out, I commend this statutory instrument to the Committee.

4.9 pm

Dr David Drew (Stroud) (Lab/Co-op): I am delighted to serve under your chairmanship, Mr Robertson. I am always pleased to serve on the occasional statutory instrument with the Minister; this is only the second today. It is nice that we have moved into our front room from the more austere surroundings further up the corridor. We just need a sofa in the corner and then we can lie down to be ready for the next SI, as they come with great regularity.

I make the usual caveat. The SIs are coming through at a rate of knots. The Opposition have to do the best we can, given the seriousness of the issues being addressed. The way in which we are trying to scrutinise this SI is not the best way to pursue a proper legislative overview of what is happening to our wonderful nation.

I am going to start with a quizzical point. We are scrutinising the Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019 and I might be wrong, but the only things mentioned are salmonella, chickens and turkeys. Does the SI not apply to any other zoonotic species? It is not named correctly, in my opinion, because it should mention poultry. If we are to define and defend these things, it would help to get it right at the outset. I have searched through the regulations to try to find other animals, but there are none, so this piece of secondary legislation is very specific. The Minister might at the very least look at that because in previous debates we have mentioned African swine fever, blue tongue, avian influenza and bovine tuberculosis. They are all zoonotic diseases, but they are not mentioned in this particular SI, unless I'm mistaken. I will not talk about them in any great detail because they will not be relevant to this debate, so I will stick to salmonella and poultry.

Although this is a clearly defined and limited debate, as far as I can make out, unlike our previous one—that was opaque and I am still trying to understand it—it is in a sense very simple because we are moving regulations across from the EU into the UK for the benefit of food safety. Clearly, salmonella is an ever-present threat and a nasty disease. Those of us who have had salmonella—I think by mischance many of us have—do not wish it on anyone else. Salmonella is an ever-present danger—I do not know how many suffer from it, but it must be a considerable number as it is the most common form of food poisoning—so my first question is: what happens if there is no deal next week? Are we ready and able to put in place a regime whereby we check our poultry, we check the imports of poultry and check what happens if the consumer buys poultry and is not very well?

I am intrigued that for the first time we are talking about devolving responsibility. It is good to see the Scottish National party spokesperson in her place. Normally we talk about the centralisation of the process, but in this debate, we seem to be decentralising responsibility. How will that work when poultry moves backwards and forwards between the different nations of the United Kingdom? Who will take responsibility if there are outbreaks?

Although I am not going to talk about wider issues, those of us who lived through both bovine spongiform encephalopathy and foot and mouth know that the onus is on the country from which the disease supposedly comes to take responsibility quickly, otherwise exports are shut down. With both BSE and foot and mouth, we suffered for a considerable period and were unable to open up the export markets. How will the policy work between the different devolved Administrations? Have they the capacity to bear down on diseases or will we be left with a difficult situation in which everybody looks the other way when we have a major disease outbreak on our hands?

[Dr David Drew]

This instrument was originally going to be considered under the negative procedure, but it is now being considered under the affirmative procedure because the Joint Committee expressed concerns. We welcome that, but it is intriguing why the instrument was first designated as it was, because this is an important part of the jigsaw puzzle of how we see our food safety as being of paramount importance.

Paragraph 7.1 of the explanatory memorandum states that the Government wish to retain health protection standards relating to salmonella, which is a good statement —that is the very minimum—but how do we keep up with improvements, dare I say, in the rest of the world, but more particularly in the EU? We have driven up food standards across the whole Community, not just in this country, and we import considerable amounts of poultry, particularly from Denmark and the Netherlands, so it is important to know that their standards and ours have commonality.

Likewise, paragraph 7.3 states that, for the UK authorities to exercise functions transferred back from the EU, they need

"setting requirements for national control programmes, special control measures and reference laboratories".

This has come up in previous debates on statutory instruments. Where are those laboratories? Do they exist? Are we using the existing facilities at Pirbright and Weybridge or wherever, or do we have other laboratories that we can bring into operation? It is important that we know that, because if there is an outbreak during the change from what we have now, someone has to know exactly where we will deal with the impact of such an outbreak.

My usual caveat is that I am an honorary associate member of the British Veterinary Association, but it is important that we put it on the record that the association is largely happy with this bit of secondary legislation. However, it stresses that trade and animal movements across the borders of the UK are hugely important and that any disease interruption would cost the UK dear. That is one thing that we have to recognise: we will be less able to access the various European organisations that are there to bear down on disease eradication and to try to prevent those diseases. As we will not be part of that, it would be interesting to know what the Government's strategy is.

Although the Government have placed a duty on competent authorities to co-operate, it is difficult to co-operate from outside the club, so again, it would be interesting to know what discussions the Minister has had with other EU countries about what a post-Brexit scenario would look like in dealing with disease issues.

It is likely that we will get more of this when we talk about the livestock SI, which I believe is coming up on Monday, unless it has been reordered, which is always possible in this mad world that we live in. Those are the questions that I would like the Minister to answer; they are important. I have kept my remarks to salmonella and poultry, because they are what this SI is all about.

4.18 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): It is a pleasure to serve under your chairmanship, Mr Robertson.

We think it is extremely important that we retain the same high and exemplary standards in health protection on EU exit, no matter the type of exit that we behold in the new future. I thank the Minister for working so closely with the devolved Governments on this issue. As has already been said, consent has been given by the Scottish Government and the other devolved Governments across the UK.

The Scottish Government aim to have exemplary and the very best practice in the UK. There will be no risk at all of standards dropping or slipping, and it is our aim to have evidence-based best practice in all that we do. A high level of co-ordination between the nations of the United Kingdom will be required for the issues to be taken forward—as is already the case.

It is extremely important that we do not introduce new burdens for small businesses. They already feel very much under the cosh because of the changes that they are required to adapt to with the different types of potential exit from the EU. It is important, at the same time as maintaining the highest welfare and safety standards, to be pragmatic on business issues.

On AMR, the Health and Social Care Committee undertook a quite comprehensive report on that very issue recently. One of the recommendations concerned high standards of animal welfare, which we hope to maintain and surpass on leaving the EU, and which are critical. Support to farming communities is essential to achieving that.

I thank everyone involved for their consensual approach. My party supports the regulations.

4.21 pm

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I have a brief question. I wanted to pick the Minister up on something he said in his opening speech about trade and the list of countries where, effectively, we authorise trade.

The regulations refer to Finland and Norway. Can the Minister expand on the list of countries, and explain whether the United States is part of the wider list he mentioned? He will be aware in particular of the greater prevalence of salmonella in the US, where 1.2 million people are affected each year and there are 23,000 hospitalisations. The US Centres for Disease Control and Prevention estimate that there are roughly 380 deaths because of salmonella each year in the US. In comparison there are on average about 8,500 cases a year in the UK. In a report that it published last year, Sustain raised concerns about food safety fears in US-UK trade deals, and their potential additional cost to the NHS. I should be grateful if the Minister would tell us whether any representations have been made.

I note the document published by the US trade ambassador about US trade negotiation principles. There is something in it that could affect the salmonella effect, in relation to US agriculture and their objective to eliminate

"practices that unfairly decrease U.S. market access opportunities or distort agricultural markets to the detriment of the United States, including non-tariff barriers".

Given the considerably greater prevalence of salmonella in the agriculture sectors of the US, maintaining high food safety standards will be important after we leave the European Union and I should be grateful if the

Minister would explain whether the US is on the country list he mentioned. Also, should there be trade deals with any countries with a salmonella issue, what scrutiny arrangements would be available in respect of the powers and obligations in the statutory instrument?

4.23 pm

Ian C. Lucas: I have one brief question about the lists of countries referred to by the Minister. He was talking about the EU designation of individual countries, and perhaps additions to the list of countries affected. I was wondering what the process would be, after the new regime is in place, to take account of changes within the EU to designations in their list. How would that be taken into consideration in relation to the countries on the UK list? Is any relationship envisaged, or has there been any discussion about the relationship between the EU and UK country lists after Brexit?

4.24 pm

David Rutley: I thank members of the Committee for their contributions. As ever, I will endeavour to answer some questions, and will seek inspiration for others, before the end of the Committee.

The hon. Member for Stroud asked why the draft regulations were originally laid before the sifting Committee as being subject to the negative procedure. At that time, we did not seek to transfer functions from the Commission. Those provisions were added in as events evolved, and the procedure was changed as a result. I am sure that he is grateful that the draft regulations have been granted the degree of scrutiny to which he is accustomed.

The hon. Gentleman also asked why the regulations did not relate to zoonotic regulations more widely. Regulation 216/2003 creates a framework through which any zoonotic disease can be regulated and, at present, the EU only uses the framework to regulate salmonella.

He asked about the particular pressures on reference laboratories and others on day one. Poultry is tested on the farm at present, and there is no reason to believe that there would be any additional pressures on day one on reference laboratories or enforcement bodies. The Animal and Plant Health Agency is confident there is sufficient capacity to operate as normal.

He also talked about the testing laboratories. The current laboratories in England—there is one in Weybridge—and a similar laboratory in Northern Ireland will continue to operate as normal. He mentioned resources. As I said, APHA is confident that its expertise will continue to be able to enforce salmonella controls post EU exit.

There was also some concern from the hon. Gentleman, and from the hon. Member for Wrexham, about how the devolved Administrations would work together. We are exploring options to combine the expertise of advisory agencies and committees to build on existing capability and expertise and to provide advice from day one in a no-deal scenario. We are also exploring what modifications might be needed to existing decision-making machinery, with the aim of having joined-up evidence in a flexible decision-making process, in order to operate to deliver our biosecurity needs.

Salmonella testing is carried out by UK laboratories approved by the Department for Environment, Food and Rural Affairs and the Food Standards Agency. That will not be affected by EU exit. As I said, our current reference laboratories in England and Northern Ireland will continue to operate as normal.

I want to reassure the Committee that, although there will be an operational change in the sense that the different control programmes will be administered by the devolved Administrations instead of a single UK entity, they will continue to have a joined-up approach. That was extensively highlighted by the hon. Member for East Kilbride, Strathaven and Lesmahagow.

My right hon. Friend the Member for Chipping Barnet and the hon. Member for East Kilbride, Strathaven and Lesmahagow raised anti-microbial resistance, which is important. We talked about what is happening with poultry trends. I am trying to keep my remarks to the point, as the hon. Member for Stroud did, but there are concerns about AMR more generally. The partnership with the livestock protectors in every profession has already reduced the sales of veterinary antibiotics by 40%, down to the lowest level seen since records began in the 1990s. The Government are working with vets and farmers and are committed to further reducing the use of antibiotics in animals by 25% between 2016 and 2020.

Some concern was expressed about international trade. I am trying to read through the inspiration that I have received—

Dr Drew: It is called the Norway question.

David Rutley: I was asked whether the US was on the third country list. It is. To get on the list, it will have had to demonstrate that it has an equivalent control programme.

I know the hon. Member for Plymouth, Sutton and Devonport is very assiduous on these Committees, and he has been very disciplined today, but I want to reassure him that this in no way seeks to water down our standards at all. In terms of chlorine-washed chicken, the existing food safety provisions from the EU will come across with the European Union (Withdrawal) Act 2018, which will make sure that those protections are in place.

I hope that I have been able to answer the Committee's questions, and I commend this statutory instrument to the Committee.

Question put and agreed to.

Resolved,

That the Committee has considered the draft Zoonotic Disease Eradication and Control (Amendment) (EU Exit) Regulations 2019.

4.30 pm

Committee rose.