

COVER SHEET FOR DFA 25

24 JANUARY 2000

No update has been prepared for this DFA. Further relevant evidence and corrections are noted below.

Further relevant evidence

Further relevant evidence may be found in:

S Pickles (WS No. 115) para 25.5

S Acheson 1 (WS No. 251) para 64

S Acheson 7 (WS No. 251F)

S Gummer (WS No. 311F)

S MacGregor (WS No. 302C)

YB89/2.6/2.1

YB90/6.7/5.1

T116, pages 90-95

Correction

Please note the following correction:

para 7 “A Ministers’ meeting” should read “A MAFF Minister’s meeting”



DFA 25

Notification of the Ruminant Feed Ban to non-EC countries

Draft Factual Accounts

4 November 1999

This is one of a series of documents intended to provide an account as at the date of publication of the factual evidence received by the Inquiry. The documents do not make any judgements about the implications of the facts or point to any conclusions. They are simply working drafts seeking in a neutral way to set out relevant evidence. They do not contain any expressions of opinions by the Secretariat or the Committee of the Inquiry. The series will only cover certain areas of the evidence.

The DFAs may contain inaccuracies and omissions. The purpose of publishing them is to invite corrections, additions and comments. The Inquiry has received suggestions for such corrections and additions in relation to DFAs already published. This is helpful in furthering the work of the Inquiry; all suggestions are considered and used to update the Secretariat's working papers which will form the basis of the Committee's Report in due course. The DFAs should not be treated as setting out a complete and accurate appreciation of the relevant facts.

You are invited to let the Secretariat know of any errors, inaccuracies or material omissions in this DFA. It would be helpful if you could distinguish suggested amendments to the DFA from more general comments which would not involve such amendment. Please write to:

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NOTIFICATION OF THE RUMINANT FEED BAN TO NON- EC COUNTRIES

1. In a minute dated 7 August 1987, Mr Rees (Chief Veterinary Officer) responded to a question from the Parliamentary Secretary (Mr Thompson) on exports and international awareness of BSE. Mr Rees explained that MAFF were planning to publish a short scientific communication on BSE in the *Veterinary Record* in the next few weeks, commenting that the *Veterinary Record* was 'picked up in many overseas countries and no doubt the report will be of interest particularly to research workers. The speed with which the information will filter through is difficult to predict but it would be surprising if the condition was not being discussed in international circles within the next few months'.¹
2. Mr Meldrum stated in a supplementary statement that the *Veterinary Record*, although published in the UK, 'had a very wide domestic and international circulation'.²
3. On 31 October 1987, an article by Mr Wells *et al* entitled 'A novel progressive spongiform encephalopathy in cattle' was published in the *Veterinary Record*. The clinical and pathological findings of BSE were reported but the aetiological basis of BSE was described as 'unknown'.³
4. In his statement to the Inquiry, Mr Wells stated⁴:

'In 1988 we began to supply more BSE materials, including sections, slides, copies of published papers, photographs of clinical signs and copies of the BSE video, in response to an increasing demand for information. The supply of such extension materials was entirely demand led. Many of these requests for information were as a result of the *Veterinary Record* publication 'A novel progressive spongiform encephalopathy in cattle' in October 1987. The contacts were from a wide variety of people ranging from known and respected scientists in the animal and public health fields, some of whom I already knew, to students doing courses such as animal health, microbiology and meat inspection. Materials were also supplied

¹ YB87/8.7/1.1

² S Meldrum 7 (WS No. 184E) Section I para 5

³ (*Veterinary Record* (1987) 121, 419-420 - (J/VR/121/419))

⁴ S Wells (WS No. 65) para 40

overseas, for example, to a scientist in Italy, the South Australian Department of Agriculture, Taronga Zoo in Sydney, Australia, and the Ministry of Agriculture and Fisheries in New Zealand. Materials were requested for various different purposes, such as education and training, college projects, presentations and for general interest and information. The volume of requests received by the Department increased greatly throughout 1988 and on into 1989.’

5. In his statement to the Inquiry for the period 1985 to 3 February 1989, Mr Wilesmith stated⁵:

‘I would like to highlight that during this period I was in frequent contact with other scientists in relevant fields. I presented numerous papers to veterinary and other associations and corresponded and spoke on the telephone regularly with fellow scientists. (Annex 2) provides a list of some of these contacts.’

Annex 2 of Mr Wilesmith’s statement includes the following:

- ‘9. 22 July 1988 – Dr John Kellar, veterinary epidemiologist with Agriculture Canada, Ottawa visited Mr Wilesmith to discuss the epidemiology of BSE and other subjects of mutual interest.
10. Attended the Symposium of the International Society for Veterinary Epidemiology and Economics, held from 25-29 July 1988 in Copenhagen. Mr Wilesmith discussed the problem of BSE with veterinary epidemiologists from around the world.
11. 26 July 1988, during the course of the above meeting, Mr Wilesmith visited Brussels, to attend a meeting of the Commission Standing Veterinary Committee. At this meeting Mr Wilesmith provided a summary of the epidemiological findings to date. Mr Iain Crawford, Deputy CVO, provided an outline of the statutory measures then in place.’⁶

6. On 31 March 1988, Mr Andrews (Permanent Secretary) minuted Mr MacGregor (Minister of Agriculture, Fisheries and Food) about BSE. His minute recorded the following:

‘Mr Howard Rees and his colleagues are pressing ahead with our own enquiries on to the possible source of this disease. It seems increasingly clear that there is a link with feed and possibly changes in the procedures for the preparation of feed and its composition dating back to the early 1980s. We hope to come up with the conclusions of these studies within the next fortnight. We shall then need to decide urgently what action to take, possibly through persuading the feed manufacturing industry - or sections of it- to alter their practices. If we come up with some strong conclusions relating the disease to feed, we should certainly press ahead

⁵ S Wilesmith (WS No.91) para 67

⁶ S Wilesmith (WS No.91) Annex 2

and take whatever steps seem necessary to contain the spread of this disease without waiting for the advice from outside experts.’⁷

7. A Ministers’ meeting on BSE took place on 14 April 1988. Mr MacGregor (Minister), Mr Gummer (Minister of State), Mr Thompson (Parliamentary Secretary), Mr Andrews (Permanent Secretary), Mr Meldrum, Mr Wilesmith, Mr Gueterbock, Mr Smith, Mr Dickinson, Mr Cruickshank, Dr Watson, Mrs Haine (PS/Minister) and Mr Suich were present. Mrs Haine’s note of the meeting described consideration of publicity and intra-Community trade as follows:

‘Publicity

1. It was noted that, for a number of reasons, this issue could assume a higher profile in the immediate future;
 - a) the Guernsey authorities were considering putting out a statement on the issue.
 - b) the Dutch (and the Commission) were pressing, informally at this point, for further information.
 - c) it could be raised in the Standing Veterinary Committee within the next month.
 - d) the feed industry were aware of the problem, given that meat and bone meal were possible causes.

After some discussion it was agreed that this should be handled in a low profile way (particularly given that the Southwood report was not expected for some 5-6 months); a written PQ was not appropriate, but a paragraph should be included in the Veterinary Record.

2. It was agreed that our public line should be that we were taking the issue seriously, a number of steps were already under way; but that the question must be kept in perspective.

Intra Community Trade

3. The Parliamentary Secretary suggested that any restrictions on trade should be made reciprocal. Dr Watson said that it appeared likely that the disease was confined to this country; there were unique factors which made this possible’⁸

8. Paragraphs 4-7 of Mrs Haine’s note dealt with the feedstuffs investigation as follows:

‘Feedstuffs Investigation

⁷ YB 88/3.31/5.1

⁸ YB 88/4.14/1.1

4. Mr Meldrum outlined the current situation on the feedstuffs investigation noting that the industry had been very co-operative. Whilst it was too early yet for any definitive results, it was evident that in the early '80's [sic] a change in production processes had occurred. Further tests were now underway; it was hoped to report back in the next two to three weeks.

5. Mr Wyle Smith [sic] noted that much of our exported feedingstuffs went to the Third World rather than Europe. The Minister of State felt that we had a duty to alert recipient countries if there was anything to be gained by our doing so.

6. Mr Smith raised the question of whether the problem could be eliminated, should the production method prove to be the problem (and seemed possible), once the method was changed. Dr Watson noted that the position on BSE was not yet clear, but drew an analogy with scrapie, which was transmissible within herds.

7. It was agreed that BSE could represent a significant risk to our feedingstuffs and cattle exports. Mr Smith argued that, if a change in technology looked to be the answer, we should either request or insist that the industry followed this through. The Minister concluded by requesting that advice on the outcome of the review should include an assessment of the strength of the evidence; decisions on exports and advice to importing countries should be taken once the results were available.⁹

9. Mrs Haine described the conclusion of the meeting as follows:

'The Minister concluded that there were a variety of issues outstanding.

The Southwood investigation, which could be given a very low level of publicity when a further step was taken: no separate announcement should be made;

The response to the Dutch, which the Parliamentary Secretary would consider;

The feedstuffs enquiry and action arising from it;

Work on other areas e.g. the efficacy of a slaughter policy in eradicating the disease;

Whether compensation was appropriate

Until the position was clearer, we should maintain a low profile without appearing to attempt to conceal information.'¹⁰

CLARIFICATION

10. *In paragraph 14 of his statement to the Inquiry, Mr Gummer said that notes of meetings were not 'minutes' in the usual sense of comprehensive*

⁹ YB 88/4.14/1.2

¹⁰ YB 88/4.14/1.2

records of the matters discussed. They were rather intended to be 'action notes' addressed to the relevant official. He added in paragraph 15:

'As an example I take the note of a Ministers' meeting on 14th April 1988 to discuss BSE. In the note it is stated that, for a number of reasons, the issue could assume a higher profile in the immediate future and it was agreed that the matter should be dealt with in a low profile way, particularly given that the report of the expert committee was not expected for some 5-6 months. The minute does not record why it was felt best to keep the matter low-profile; this was because we felt that Southwood should be given the best possible chance to get on with his work with as little speculation as could be managed. The possible consequences for intra-Community trade were discussed. The CVO [sic] outlined the current situation on the feedstuffs investigation. Mr. Wilesmith noted that much of our exported feeding stuffs went to the Third World rather than to the continent of Europe, and the note records that I stated that we had a duty to alert recipient countries. However the note does not go on to say that I also said that we had a moral duty to inform importing countries of the steps that we had taken regarding BSE, whether or not they were likely to be interested or to act on the information given.'¹¹

11. *Mr MacGregor also referred to the meeting on 14 April 1988 in his statement to the Inquiry. His statement says the following:*

'...on 14 April 1988, I held an important meeting with the Minister of State, the Parliamentary Secretary, the Permanent Secretary and various other officials the purpose of which was to 'think this through' i.e. prior to receipt of the results of the feedstuffs investigations to pull all the threads together in an endeavour to get a clear view of where we stood and to cover the ramifications of possible actions that might soon be necessary. At the meeting all the issues were reviewed. By this stage Sir Richard Southwood had agreed in principle to chair a committee to advise on the risks from BSE and it was expected his report would not be available for some 5-6 months. The results of tests from the feedstuffs investigations were still outstanding (it was hoped these would be available within 2-3 weeks). I requested that advice on the outcome of the review of the link with feedstuff should include an assessment of the strength of the evidence and that decisions on exports and advice to importing countries should be taken once the results were available.'¹²

12. *In a supplemental statement, Mr MacGregor stated:*

'I always assumed that if an action point was made at a meeting it was carried out, unless there was a reason for not doing so, in which case officials would come back to Ministers.'¹³

13. *Sir Donald Thompson referred to this meeting in his statements to the Inquiry. He stated that concern was diminished by Dr Watson's advice 'in*

¹¹ S Gummer para 15

¹² S MacGregor, para 32

¹³ S MacGregor, 3 (WS No 302B) para 59

*direct response to my question at the meeting, that, because of unique factors, the disease was likely to be confined to this country.*¹⁴

14. *In oral evidence, Sir Donald Thompson was shown the note of the meeting on 14 April 1988 and stated:*

‘And our weakness -- following this minute is when we started to ban ruminant offals; we should have told the world. None of that, before that happened, could have happened.

I was kept informed of various meetings and various things. We had had another article in the Veterinary Record on BSE in May 1988. In July 1988 Mr Cruickshank had written to our agricultural people in Brussels and that letter was copied to Australia, New Zealand and the USA. Everything we knew was published in the UK, the Veterinary Congress discussed it in September 1988; and again in 1989. I had a number of meetings with veterinary surgeons and, I think I have said somewhere, with Commonwealth veterinary surgeons. As I was thinking about it, I think it was Caribbean rather than the Indian Subcontinent. And it was before the feed ban anyway.

Your question, Mr Walker, I think hinges on: should we have done something after the feed ban before 1990? My job, as I saw it, was to tell Europe, and that I did. It was not an instruction here. There was not a specific instruction, but there was an inference that it should be done. Why it was not done more thoroughly, I do not know. And why it was left for John Gummer himself to do it in 1990, I do not know; and that is as honest an answer as I can give you sir.’¹⁵

15. *When Sir Donald Thompson gave oral evidence he was asked whether, from his own recollection, he was able to recall if Mr Gummer was right in saying in his statement that the note of the meeting left out something that he said. Sir Donald replied:*

‘No, I cannot recall that. And he does not refer in his statement that you have just read to the meat and bonemeal ban. I am convinced, in my own mind, that what we were doing on BSE was internationally known and understood and each country with its sphere of influence, the Dutch and the French and everybody else, make sure that they knew. We never had a case of BSE anywhere else but in Great Britain, at least in the Third World; and I cannot remember Mr Gummer saying these exact words. And I do not know why it was two years after he said them that they were implemented.’¹⁶

16. *Mr Meldrum also recollected this meeting in his statement to the Inquiry.*

¹⁴ S Thompson 1 (WS No. 303) para 60; S Thompson 5 (WS No. 303D) para 13

¹⁵ T100, pages 83-84

¹⁶ T100, page 85

‘It was concluded by the Minister that any decisions on exports and advice to be given to importing countries should be taken once the final results of the feedingstuffs investigation were available.’¹⁷

17. *A supplemental statement from Mr Meldrum includes the following in relation to Mr Gummer’s recollection of the meeting on 14 April 1988:*

‘In passing I note that it could be that there was some confusion in Mr Gummer’s statement between the record of that meeting and that of a meeting on 24th January, 1990 held by Mr Gummer when he was the MAFF Minister rather than the Minister of State. The note of the January 1990 meeting (YB90/1.25/2.1-2.4) does record Mr Gummer as having said that ‘we had a moral obligation to ensure that importing countries were aware that we did not permit the feeding of these products to ruminants’.’¹⁸

18. *Mr Meldrum also commented in a supplemental statement that he did not become CVO until 1 June 1988 and that he was ‘erroneously referred to as the CVO’ in Mr Gummer’s statement in the context of the Ministers’ meeting on 14 April 1988. Mr Meldrum stated that this tends to support the suggestion that Mr Gummer may have confused two separate meetings.*¹⁹

19. *A supplemental statement from Mr Cruickshank includes the following comments in relation to the meeting on 14 April 1988:*

‘At the meeting on 14 April 1988 Mr MacGregor gave no indication that he agreed with Mr Gummer’s suggestion that the UK had a duty to alert non-EC recipient countries. It was well understood within MAFF that on matters of this nature Mr Gummer tended to have a different point of view from Mr MacGregor. Mrs Haine’s note of the meeting (YB 88/04.14/1.1-1.6), while recording that Mr Gummer had made the point, did not indicate that any action was required. Although my recollection of this is not clear, I think officials understood from Mrs Haine’s note that Mr MacGregor did not require further advice or action in relation to non-EC countries beyond the normal supply of information through OIE.’²⁰

20. *During Mr Cruickshank’s oral evidence he was asked whether the question of warning other countries ought to have come back when Mr MacGregor was in a position to address it specifically, at the time when the outcome of the feedingstuffs review was made available in May. Mr Cruickshank replied:*

‘Well, certainly it is clear that Mr MacGregor did want to address the point in the future. I really cannot recall exactly how the discussion of this was taken forward after this, though there were obviously a lot of discussions

¹⁷ S Meldrum 1, para 59. See also 88/4.19/3.2, para 7

¹⁸ S Meldrum 7 (WS No. 184E) Section I para 1(a)

¹⁹ S Meldrum 7 (WS No. 184E) Section I para 2; S Gummer (WS No. 311) para 15; YB88/4.19/3.1-3.2 at para 4

²⁰ S Cruickshank 3 (WS No. 75B) para 96

with importing countries in various fora. But precisely how it was all brought together, I cannot recall.’²¹

21. *Mr Cruickshank was referred to the comment that it was well-known that Mr Gummer and Mr MacGregor tended to have a different point of view ‘on matters of this nature’ and asked to clarify the ‘nature’ referred to. Mr Cruickshank said:*

‘Basically I think this was brought out in Mr Gummer’s own statement. It was issues where there seemed to be a moral element; he seemed to take a more stringent view than others, perhaps.’²²

22. *When Sir Donald Thompson gave oral evidence, he was referred to the comments in Mr Cruickshank’s statement about a tendency for Mr Gummer and Mr MacGregor to have a different point of view ‘on matters of this nature’. Sir Donald said:*

‘Yes; and I never found a fundamental difference of opinion between John MacGregor and Mr Gummer. We met in meetings and their broad views swept up everything that we needed to do. It was only right that the whole world knew what we were doing; and whether the OIE was a sufficiently strong vehicle to inform the whole world I am not sure, but at least it would inform the British Veterinary Record and the OIE is read by the vets. Whether that percolates or sinks down to farmers and people, meat processors in the rest of the world, I am not sure.’²³

23. *A supplemental statement provided by Sir Derek Andrews states that he has no recollection of any discussion about writing to non-EC States at that time. His supplemental statement includes the following:*

‘At this time, the Working Party had only begun its inquiry. Although I have no recollection of any discussion about writing to non-EC States at that time, it would have been entirely understandable to have concluded that communication through the OIE was the appropriate course of action. At the same time, the representatives of overseas governments would have received copies of the MAFF press releases relating to BSE.’²⁴

24. As described in the Ruminant Feed Ban RFA, on 6 May 1988 Mr Rees put up a submission to Mr MacGregor. Mr Rees stated that he was ‘satisfied from the information produced by the investigating teams that the source of the transmissible agent which has caused BSE is through meat and bone meal derived from sheep material in which the rendering process had failed to inactivate the scrapie agent.’²⁵ This submission was discussed with Mr MacGregor, Mr Thompson, Mr Andrews, Mr Meldrum and others on 18 May 1988. The Minister felt that all the evidence pointed to a

²¹ T105, page 139

²² T105, page 140

²³ T100, page 87

²⁴ S Andrews 2 (WS No. 281A) para 208

²⁵ YB 88/5.6/3.3, para 5

speedy and compulsory ban on sheep meat material in feed for ruminants.²⁶

25. Mr Meldrum's statement to the Inquiry goes on to say that:

'The CVO, Mr Rees, made a short report to the Annual Meeting of the Office Internationale des Epizooties (OIE), which is the animal health equivalent of the World Health Organisation, held in Paris in May 1988 and a short description of the disease appeared in the report of that meeting.'²⁷

26. In his statement to the Inquiry, Kevin Taylor gave the following description of the Office International des Epizooties:

'The Office International des Epizooties (OIE) is an international organisation which collects and disseminates information about animal diseases to its members, and recommends conditions under which animals and animal products may be safely traded. It is based in Paris and some 150 countries are members. OIE plays a pivotal role in disseminating information about old and new diseases worldwide, and the UK is an active member and supporter of the organisation. The leaflet at M11/Tab6 gives a brief overview of OIE organisation and activities. The International Committee of OIE, comprising the CVOs or their nominees from all member countries, meets in General Session in Paris in May every year, to discuss technical issues, hear reports from specialist commissions, and consider proposed additions or amendments to the International Animal Health Code (which sets out recommended trading conditions). During the General Session each country gives information about its animal health status: much of the information is submitted in advance in codified and tabulated form, but there is also a tour-de-table in which the written information is confirmed or updated, and in which additional comment may be made by delegates about important developments in the past year. Member countries are also members of Regional Commissions which meet biennially to consider items of regional importance.'²⁸

27. The leaflet referred to by Mr Taylor is entitled 'OIE: brief overview' and includes the following:

'As the world organisation for animal health, the main objectives of the OIE are to:

- inform Governments of the occurrence and course of animal diseases throughout the world, and of ways to control these diseases
- co-ordinate, at the international level, studies devoted to the surveillance and control of animal diseases

²⁶ YB 88/5.19/5.1-5.2

²⁷ S Meldrum 1, para 62

²⁸ S Taylor, Kevin (WS No. 92) para 49

- harmonise regulations for trade in animals and animal products among Member Countries.²⁹

28. On 30 April 1988, K.L. Morgan published an article in the *Veterinary Record*.³⁰ It included the following:

‘Oral transmission of spongiform encephalopathies is known to occur experimentally (Pattison and Millson 1961). The high prevalence of kuru among the Fore tribes of Papua New Guinea was attributed to ritual cannibalistic activities (Gadjusek 1977). The suggestion that cows eat sheep infected with scrapie becomes less absurd when one examines the fate of inedible ovine offal and the site of replication of the scrapie agent in subclinical infection.

The scrapie agent multiplies in the lymphoreticular tissue, in natural and experimental infection reaching high titres long before infection of the central nervous system and the appearance of clinical signs (Eklund and others 1967, Dickinson and Outram 1979). Sheep heads, spleen, gut associated lymphoid tissue and feet form part of the low grade inedible offal processed for tallow and meat and bone meal. The latter is included in pig, poultry, pet and some but not all dairy rations. In dairy rations, the level of inclusion is related to cost but is in the region of 5 per cent.

To remain infectious the scrapie agent would have to survive the conditions of rendering. Inedible offal is processed either in batch or continuous systems. Fat is removed after cooking either by pressing, centrifugation or solvent extraction. The temperatures used in rendering may vary from 80° to 90° C in a continuous low temperature wet rendering to 140° to 160° C in a high temperature dry rendering system. The scrapie agent is highly resistant to heat inactivation and may survive temperatures of up to 100° C for eight hours (Stamp and others 1959) but is inactivated at 29 lb psi (126° C) for 45 minutes. (Gadjusek and others 1977).

The effect of solvent extraction upon the scrapie agent is unknown but it is interesting that the level of contamination with salmonella is low, whereas this organism is still a common contaminant of meat and bone meal produced by other rendering systems in spite of the introduction of the Diseases of Animals (Protein Processing) Order in 1982 (Timoney 1968, MAFF 1985).

Changes in offal rendering

Over the past 10 years there have been major changes in offal rendering including the change from batch to continuous systems, the , with the exception of one plant, of solvent extraction , increased centralisation of the industry and a tendency, because of the high energy costs, and better quality of the product, towards low temperature systems (MMC 1985). All of these changes would favour the survival and spread of scrapie agent in meat and bone meal.

²⁹ M11, tab 6

³⁰ J/VR/122/445-446

...

A possible role for meat and bone meal in the transmission of this novel disease remains to be proven. In the meantime it may be expedient to ensure that the valuable recycling and social function carried out by meat renderers involves high temperature processing (above 140° C for one hour). Because of the low profit margins involved and the competition from subsidised products such as rape seed, it may be necessary to provide public money to support this.

29. On 14 May 1988, the SVS published a 'disease update' on BSE in the *Veterinary Record*. As to the cause, the article made no particular reference to infected MBM but said:

'As yet the cause of the condition remains unknown...

While there is undoubtedly a genetic component of BSE, it is not simply an inherited disease. In a small proportion of incidents there is a family relationship between affected individuals both within and between herds. However, the sudden appearance of the disease in the national herd, the affection of several breeds and crossbreeds, and the absence of a common ancestor or small group of ancestors supports, more strongly, a predominantly environmental cause.'³¹

30. Early information on the ruminant feed ban was published in two articles in the *Veterinary Record* on 11 June 1988.³² An article entitled 'MAFF moves on BSE' included the following:

'And while the causative agent of BSE has yet to be confirmed the circumstantial evidence linking the disease to a scrapie like agent is considerable. Further, the possibility that such an agent might be transmitted by ingesting infected material, as suggested by Morgan (*VR*, April 30, p 445), seems strong enough for the Ministry of Agriculture to have added a rider to the notifiable disease order banning the feeding to cattle of rations containing animal protein of ruminant origin.

The ministry's action will facilitate the work of identifying the causal agent. It will also reassure the industry and its customers that the UK is determined to maintain the health status of its national herd by taking effective measures, even when the incidence of a problem is as low as that of BSE.'

A second article entitled 'MAFF – BSE to be made a notifiable disease' included the following:

'BOVINE spongiform encephalopathy has been declared a notifiable disease by the Ministry of Agriculture. A statutory order will be made before the end of June.

³¹ YB88/5.14/1.1-1.2

³² J/VR/122/00

Under the order the feeding to cattle of rations containing animal protein of ruminant origin will be suspended until December 31, 1988. This follows epidemiological investigations into the disease which suggest an environmental agent as well as some genetic factor is involved.

...

The imposition of a temporary ban on the use of ruminant animal protein in feed was made after close consultation with the animal feed industry. Mr David Speight, chairman of the UK Agricultural Supply Trade Association's (UKASTA) scientific committee felt that the impact on the industry would be minor.

He said that animal protein was used in cattle feed only at a concentration of 1 or 2 percent. The industry did not currently differentiate between protein of different animal origins. However, meat and bone meal made from cattle or sheep could be replaced by other matter such as pig, chicken, and particularly fish-based protein. The order also does not affect materials such as tallow or dried milk which are unlikely to contain an infectious agent if one is eventually found to exist.

Feeds are normally species-specific and so a feed prevented from being used in cattle is unlikely to be used in other species. The major exception would be certain blended protein materials produced for use by other manufacturers.

At the time of going to press the industry was awaiting the final wording of the order before being able to state exactly what logistical effects a ban would have on feed distribution.'

31. On 14 June 1988 the Bovine Spongiform Encephalopathy Order 1988 was made. Article 7 of the Order, which introduced a ruminant feed ban, came into force on 18 July 1988.
32. On 14 July 1988, Mr Cruickshank wrote to agricultural attachés at British embassies in the Netherlands, Denmark, Germany, France, The Republic of Ireland, Italy, Spain and Portugal, Australia, New Zealand and the USA) to describe a number of measures which had been taken recently by the Government in relation to BSE. Mr Cruickshank's letter included the following:

'In assessing the cases of BSE which have occurred in Great Britain (679 on 552 premises at 8 July) it is not really accurate to refer to 'disease spread', at least in the conventional sense. There is in fact no evidence of cattle to cattle transmission. Rather it appears to be a 'single source epidemic'. That source is most probably animal protein derived from ruminants which has been fed to cattle. More specifically it seems it could have been sheep material from scrapie-affected animals. If this is shown to be the case, than [sic] the agent which causes scrapie has jumped the species barrier to cause BSE in cattle. However as you will appreciate this is not something we are highlighting. The disease has a long incubation period and it seems probable that the animals going down now received the

infective dose some years ago. It is still largely confined to a single animal in a herd.’³³

33. Mr Cruickshank’s letter referred to the introduction of the ruminant feed ban, as follows:

‘In view of the circumstantial evidence about the cause of the disease, legislation (The Bovine Spongiform Encephalopathy Order 1988) has been introduced to prohibit from 18 July the use of animal protein derived from ruminants in feed for ruminants. You will see from the Order (copy attached) that the prohibition ends on 31 December this year. The plan in the meantime is that all the rendering plants in Great Britain which produce meat and bonemeal will be visited and detailed investigations undertaken to determine whether or not the process, particularly the time/temperature combinations used, is sufficient to destroy the agent. The legislation will be reviewed in the light of results.’³⁴

34. On 21 July 1988, the OIE issued the final report of its General Session, which had been held from 16-20 May 1988. In paragraph 166 the report stated:

‘A new disease, designated ‘bovine spongiform encephalopathy’, was observed in Great Britain. This disease has a long incubation period. Research is being carried out to identify the disease agent, about which little is known at present.’³⁵

The OIE report made no mention of MBM as the vector for BSE.

35. In their evidence to the Inquiry, Mr Reed (Director General of UKASTA) and Dr Cooke (a nutritionist employed by Dalgety Agriculture Ltd) said the following regarding the export of MBM:

‘SIR NICHOLAS PHILLIPS: And having produced your new formula, cattle feeds without MBM, was there any question of keeping the old formula for exporting cattle feed?’

MR REED: I do not think it would have been worthwhile to any company to do that, because the export trade simply was not big enough in any compound feedingstuff.

SIR NICHOLAS PHILLIPS: Thank you.

PROFESSOR FERGUSON-SMITH: As you previously said, the customers could without any difficulty use the pig and poultry feed for cattle, if they wanted to, abroad? There would not be any nutritional reason why they should not?

³³ YB88/7.14/12.1-12.2

³⁴ YB88/7.14/12.1-12.2

³⁵ YB 88.07.21/9.1-9.3

DR COOKE: There is really very little export of compound feeds, if any. In the ruminants area any export is usually in the specialist broiler area or something like that, not in cattle feed.³⁶

36. Mr Foxcroft, on behalf of Prosper de Mulder, said the following in his statement:

'PDM did export MBM to Europe and other countries (mainly Indonesia, Thailand and Sri Lanka) after the emergence of BSE.

The MBM was for use in poultry or pig feeds and post-September 1990 was produced from non-SBO raw materials.

The quantities exported represented a small proportion of PDM's total MBM sales (approx. 5%) and were at prices compatible with those on the home market.'³⁷

37. Later in the same hearing Mr Goldwater (GAFTA), Mr Peck (GAFTA) and Dr Raine (J Bibby Agriculture) said the following regarding exports:

'MR THOMAS: Before turning to the issue of SBOs in more detail, in relation to the ruminant feed ban I did want to ask representatives from GAFTA one or two questions. We have heard from the feed compounders that there was very little export of feed containing MBM to overseas buyers, to feed compounders. Mr Goldwater, you have explained many of your members were involved in international trade. Would that involve the export of compound feeds containing animal protein?

MR GOLDWATER: No, sir.

MR THOMAS: Not at all or to a limited extent?

MR GOLDWATER: No. To such a limited extent that it is really hardly worth talking about. There would be the odd container load of finished feed that might go to one of the African countries or to the Middle East but absolutely no quantity at all. It would be miniscule in the context of the total feed trade.

MR THOMAS: Dr Raine I see you are frowning slightly at that.

DR RAINE: I am wondering whether the question was actually, you meant to ask the question about compound feed containing MBM.

SIR NICHOLAS PHILLIPS: As opposed to meat and bonemeal?

MR GOLDWATER: I answered the question as it was asked.

MR THOMAS: The next question is PDM told us yesterday that considerable quantities of MBM were exported. Would your members be involved in the export of MBM?

³⁶ T61, p28,

³⁷ S Foxcroft 4 (WS No. 37c) paras. 9.1-9.3

MR GOLDWATER: Mr Peck can answer that one.

MR PECK: Yes, we were certainly involved in the export of meat and bonemeal as and when market conditions demanded it.

MR THOMAS: And can you give an indication of the sort of quantities that would be involved?

MR PECK: I think Prosper De Mulder had the lion's share of UK produced meat and bonemeal exports, being the biggest producer. We, at rare times, exported cargos or truckloads of meat and bonemeal. By and large there was a deficit in the UK of meat and bonemeal. It was only on rare occasions that there was sufficient to warrant the additional cost to make it attractive to a third country outside of the UK.

MR THOMAS: And which third countries in particular would be interested in such purchases?

MR PECK: Internationally, it really depends on the commodity situation in any one specific country. But primarily because of the cost of transportation it would have been near Europe by and large; it would have been France particularly, Holland particularly.

MR THOMAS: And would GAFTA have been involved in any discussions with officials from any of those countries in relation to issues relating to BSE?

MR GOLDWATER: Only in the later stages, not when the trade was in its heyday when there were some useful quantities mainly from Ireland rather than England.

MR THOMAS: When you refer to the later stages ...

MR GOLDWATER: Well, I mean during the -- when the legislation had been enacted regarding the SBOs, for example, then the trade became that much more difficult insofar as renderers found it that much more difficult to be able to comply with those conditions.

MR PECK: I would add to that that when the subject of BSE became more widely known, that material produced in the UK was blacked by country after country after country, so the export route was firmly shut to the majority of traditional customers, firmly shut.

SIR NICHOLAS PHILLIPS: Are you in a position to help us on the end user of meat and bonemeal that was exported to the Continent? The impression we have is it was more likely to go to pig or poultry than to cattle. Is that something that you can comment on?

MR GOLDWATER: It would primarily go to manufacturers of concentrates who would use the meat and bonemeal in that particular end ration, and most of those concentrates would then be re-exported from either Belgium, Holland or France to the Middle East or North Africa. That would be the traditional route for the meat and bonemeal. It would be very rare that the meat and bonemeal would be sold domestically in their own markets.

SIR NICHOLAS PHILLIPS: Yes, and exported on for feeding to --

MR GOLDWATER: To cattle or maybe to pigs or poultry.

SIR NICHOLAS PHILLIPS: Presumably you would not yourselves know?

MR GOLDWATER: No, we would be totally removed. Once we had completed the sale on a CIF basis to the European markets, then we would have no knowledge or interest in the ultimate destination or use of that material.³⁸

38. Export figures for 'Flours, Meals and Pellets, of Meat or Meat Offal; Greaves' for the period following the Ruminant Feed Ban show an increase in overall tonnage of export figures. These figures include meat and bone meal, although they also include other products. From 1988 to 1989 exports to non-EC counties increased from 674 tonnes to 7,216 tonnes. There was yet another substantial increase between 1990 and 1991.³⁹

39. The OIE's Internet web page⁴⁰ includes the following table relating to the number of reported cases of BSE worldwide (excluding the United Kingdom), with cases shown by year of confirmation:

COUNTRY	1988 and before	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Belgium	0	0	0	0	0	0	0	0	0	1	6	2(a)
France	0	0	0	5	0	1	4	3	12	6	18	21(a)
Ireland (Rep.)(d)	0	15(b)	14(b)	17(b)	18(b)	16	19(b)	16(b)	73	80	83	42(a)
Liechtenstein	0	0	0	0	0	0	0	0	0	0	2(a)	
Luxembourg	0	0	0	0	0	0	0	0	0	1	0	0(a)
Netherlands	0	0	0	0	0	0	0	0	0	2	2	2(a)
Portugal	0	0	1(c)	1(c)	1(c)	3(c)	12	14	29	30	106	133 (a)

³⁸ T61, pp54-57

³⁹ IBD 4a, Tab 6, pp 8-10

⁴⁰ OIE, Number of reported cases of BSE Worldwide, <http://www.oie.int/> as at 16 October 1999

Switzerland	0	0	2	8	15	29	64	68	45	38	14	32(a)
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(a) *Belgium - date of the last confirmation of a case: 28 June 1999;*
France - includes 1 imported case (confirmed on 13 August 1999). Date of the last detection of a case: 22 September 1999 – date of the last confirmation of a case: 5 October 1999 ;
Ireland - data as of 31 July 1999 ;
Liechtenstein - date of the last confirmation of a case: 30 September 1998;
Luxembourg - data as of 30 September 1999;
Netherlands - date of the last detection of a case: 10 March 1999;
Portugal - date of the last detection of a case: 8 September 1999 - date of the last confirmation of a case: 11 October 1999;
Switzerland - data as of 17 September 1999 - New surveillance system since 1 March 1999.

(b) *Includes imported cases: 5 in 1989, 1 in 1990, 2 in 1991 and 1992, 1 in 1994 and 1995.*

(c) *Imported cases.*

(d) *All the cases reported by Ireland to the OIE have been in female animals, apart from one imported 5-year old bull which was confirmed positive in 1989. There have been no cases reported to date in young male animals, i.e. steers or bulls.*

40. The OIE's Internet web page⁴¹ also includes the following data on countries/territories which have reported cases of BSE only in imported animals (date of initial detection is stated in parentheses)

Canada: 1 case (11/93); Denmark: 1 case (07/92); Falkland Islands: 1 case (1989); Germany: 6 cases (1 in 1992, 3 in 1994 and 2 in 1997); Italy: 2 cases (10/94); Oman: 2 cases confirmed in 1989.

41. Mr Meldrum commented in a supplemental statement that he was unclear as to the significance of the data from the OIE web page in the context of the notification of the ruminant feed ban to non-EC countries. Mr Meldrum stated:

'For such information to make any sense in the context of the export of meat and bone meal from the UK to non-EC countries, additional information would have to be included on imports and use of UK produced meat and bone meal in the particular countries being referred to. So far as I am aware the only third country that has suffered cases of BSE from feed is Switzerland, who have hypothesised that their initial cases were due to

⁴¹ OIE, Number of reported cases of BSE Worldwide, <http://www.oie.int/> as at 16 October 1999

the importation of meat and bone meal from Belgium that may have originated in the UK.’

42. On 10 December 1988, the extension of the ruminant feed ban for a further year to 31 December 1989 was reported in the *Veterinary Record*. The *Veterinary Record* also reported that ‘[t]he prohibition would have to continue after the end of 1989 unless processing methods which are sufficient to destroy the causal agent have been identified ...’.⁴²
43. On 17 December 1988, Mr Wilesmith’s account of his epidemiological studies and his original hypothesis in the *Veterinary Record*.⁴³ In the article, he made it clear that studies were still in progress to determine more precisely the exposure of affected and unaffected animals to MBM in commercial concentrates. He discounted tallow as a vehicle of infection both on the microbiological grounds given by Dr Kimberlin, and on the epidemiological grounds that the geographical distribution of tallow was inconsistent with the theory of tallow as a vehicle of the disease. Mr Wilesmith offered no single explanation for the emergence of this new disease in about 1982, but set out the following possible causative or contributory factors:
- i). A dramatic increase in the GB sheep population from 1980;
 - ii). A probable increase in the prevalence of scrapie-infected flocks;
 - iii). Greater inclusion of sheep’s heads in material for rendering;
 - iv). Greater inclusion of sheep in material for rendering as a result of the reduction in the number of knackeries;
 - v). The introduction of continuous rendering processes during the 1960s and 1970s, which may have led to lower temperatures or shorter periods of exposure to sufficiently high temperatures; and
 - vi). The decline in the use of solvent extraction to separate tallow from greaves in the rendering process.

The article concluded with reference to the suspension introduced in the UK on ‘the inclusion of ruminant-derived animal protein in ruminant feedstuffs’.

44. An annex to a statement provided by Mr Wilesmith includes the following:

‘Before publication of 1988 paper in the *Veterinary Record*, Mr Wilesmith had circulated a pre-print to colleagues interested in veterinary

⁴² YB88/12.10/1.1

⁴³ J/VR/123/638

epidemiology and in TSE's including Dr Richard Kimberlin, Dr Jim Hope, Professor Stanley Pruisner, California and Professor Peter Ellis, University of Reading ... Formal publication resulted in a very large number of requests for reprints of the paper.'⁴⁴

45. In a supplemental statement, Mr Meldrum stated that 'even if Mr Wilesmith's article was not picked up in the Veterinary Record, it was reported on in other widely read journals, for example New Scientist (see article dated 7th January, 1989 (J/NST/1989/26))'.⁴⁵

46. The fourth and final meeting of the Southwood Working Party was held on 3 February 1989.⁴⁶ Dr Pickles prepared the agenda⁴⁷ for, and an informal note of,⁴⁸ the meeting. The informal note of the meeting includes the following:

'3. There had been very little importation of meat and the bone meal from overseas, although some had come through brokers so the country of origin was uncertain. There appeared to be none from the USA (where scrapie has increased recently). There was no restriction on exportation of meat and bone meal, and this took place, mostly in Europe, and might be expected to increase following the ruminant ban in the UK. Some importing countries required 'health certificates', which gave a minimal statement about the treatment given in processing (admittedly the example tabled showed apparently a very good time/temperature profile). The general feeling was that no comment should be made in the report on exports. No attempt was being made to conceal the risks and it was for each country to set its own standards.'⁴⁹

47. A supplemental statement provided by Mr Meldrum includes the following in relation to articles in the Veterinary Record on 4 March 1989:

'On 4th March, 1989 various articles were published in the Veterinary Record on the Southwood Report. One article (page 206) included the comment that, '[t]he use of animal waste in cattle feed is firmly blamed for the spread of BSE. It will be noted that, unlike salmonella, the BSE agent is unlikely to be destroyed by even the most rigorous application of the sterilising procedures available to renderers. Hence, the report concludes that the risk from animal waste is such that it should not be used in the manufacture of concentrates.'(J/VR/124/206) Another article (pages 207 to 210) goes into more detail, but in the summary section it is stated, '[t]o prevent further infection in cattle the use of ruminant-based protein in ruminant rations has been banned. It was recommended that this ban be continued indefinitely' J/VR/124/207).'⁵⁰

⁴⁴ S Wilesmith (WS No.91) Annex 2

⁴⁵ S Meldrum 7 (WS No. 184E) Section I para 9

⁴⁶ S115 Pickles para 43.1

⁴⁷ YB89/2.3/1.1

⁴⁸ YB89/2.0 3/2.1-2.4

⁴⁹ YB89/2.0 3/2.1-2.4

⁵⁰ S Meldrum 7 (WS No. 184E) Section I para 10

48. On 29 March 1989, Mr Meldrum wrote to the Director General of the OIE (Dr Blajan) informing him of the composition of the UK delegation at the 57th General Session of the International Committee of the OIE. Mr Meldrum listed the following:

‘Mr K C Meldrum, Chief Veterinary Officer, MAFF, Tolworth

Dr T W A Little, Deputy Director, Central Veterinary Laboratory,
Weybridge

Mr J Maslin, Animal Health Division, MAFF, Tolworth

Mr E W Sullivan, Chief Veterinary Officer, Northern Ireland

Dr Sheelagh Lloyd, School of Veterinary Medicine, Cambridge

Dr A I Donaldson, Institute for Animal Health, Pirbright

Dr T R Doel, Institute for Animal Health, Pirbright

Dr R P Kitching, Institute for Animal Health, Pirbright

Dr K Murray, Institute for Animal Health, Pirbright

Mr B D Hoskin, Coopers Animal Health, Berkhamsted, Herts

Dr G N Mowat, Coopers Animal Health⁵¹

49. Mr Meldrum stated in a supplemental statement that he attended the 57th General Session of the OIE that took place in Paris in May 1989. He stated that he recalled that at that OIE meeting he provided member countries with ‘an update on BSE, including providing information on the control measures such as the ruminant feed ban that had been implemented by MAFF.’⁵²
50. The final report of the OIE’s 57th General Session held on 22-26 May includes the following in a section entitled ‘Europe’:

‘165. Bovine spongiform encephalopathy was reported in four cattle in Ireland where energetic measures have been taken to control the disease. Complete batches of semen have been destroyed to prevent any risk of the infection being passed on. It is now a notifiable disease. Great Britain reported that bovine spongiform encephalopathy is now a notifiable disease in the United Kingdom, where its incidence is increasing (an average of 140 cases are reported each week). The feeding of ruminant-based animal feed to ruminant animals has been temporarily halted Research is in progress to determine exactly how the disease is transmitted.’⁵³

⁵¹ YB89/3.29/7.1

⁵² S Meldrum 7 (WS No. 184E) Section I para 11

⁵³ YB89/7.11/7.1-7.8 at 7.7

51. On 2 June 1989, the Parliamentary Secretary (Mr Thompson) sent a minute to the Minister (Mr MacGregor), copied to Private Offices, Mr Meldrum, Mr Cruickshank and others. Under the heading 'Export of Animal Protein' Mr Thompson noted the following:

'The problem of BSE and its relationship to feed has been discussed on numerous occasions in various committees in Europe. In the Community, no country has thought it necessary to bring this issue to the attention of the Council of Ministers. On an international basis we have been, and will continue to be, completely open with exporters of livestock and users of animal protein. For example, there will be a meeting in the last week of June in Washington on this subject. Moreover, the [OIE], which is the fulcrum Committee for animal disease, received verbatim reports last month, as well as 13 months ago from the CVO. No country outside the Community has banned totally the import of animal protein from the UK.'⁵⁴

52. A supplemental statement provided by Sir Donald Thompson includes the following:

'My policy has always been one of complete openness. This is encapsulated in paragraph 6 of my submission to the Minister of 2 June 1989, setting out the various policy options on BSE. (WS: 303, para 157-158; YB 89/06.02/2.1-2.4) I pointed out that the problem of BSE and its relationship to feed had been discussed on numerous occasions in committees in Europe. On an international basis we had been and would continue to be completely open with exporters of livestock and users of animal protein. I mentioned that the Office Internationale des Epizooties (OIE), which is the fulcrum committee for animal disease, had received reports on BSE thirteen months earlier in May 1988 when Mr Rees attended a meeting of the OIE in Paris. Despite this no country outside the Community had banned totally the import of animal proteins from the UK.'⁵⁵

53. On 6 June 1989, a meeting was held between the Minister (Mr MacGregor), Dr Metters and MAFF officials (including Mr Meldrum and Mr Cruickshank) to discuss, amongst other things, Mr Thompson's minute of 2 June 1989. On exports of animal protein, the note of the meeting records the following:

'It was agreed that there was no case for banning feeding pigs and poultry with ruminant-based protein. Nor was it felt there was a case to ban the use of this material for exports in the form of bone meal'⁵⁶

54. On 15 June 1989, Mr Meldrum wrote to Mr Anthony (President of the BVA). This letter included the following:

⁵⁴ YB89/6.2/2.1-2.4

⁵⁵ S Thompson 5 (WS No. 303D) para 15

⁵⁶ YB89/6.7/7.1-7.2

‘We have discussed by telephone the reasons why we would not wish to interfere with the export of meat and bone meal from this country even if we had the powers to do so. It is our view that the importing country must determine its own import conditions and to that end we have ensured that all countries of the world have been informed of our problems not only through the publication of articles but by statements at meetings of the Office International des Epizooties, the most recent of which took place in May 1989 in Paris. It does appear that a number of countries are concerned at the importation of meat and bone meal from GB and, although only two so far have intervened, we expect others to follow suit in due course. As you will appreciate we do not consider it morally indefensible to export meat and bone meal to other countries since it may be used for feeding to pigs and poultry as in this country.’⁵⁷

55. In a supplemental statement, Mr Meldrum included the following:

‘On 27th and 28th June, 1989 the International Roundtable on BSE met at the National Institute of Health in Washington, USA and considered the Southwood Report. This has been described in Section K of the statement of information provided to the Inquiry by Sir Richard Southwood, Sir Anthony Epstein, Dr William Martin and Lord Walton (Statement of Information 483) and in the witness statement of Mr Wilesmith (WS 91A, paragraph 89). In particular, in its report the International Roundtable concluded that: (a) ‘[c]omprehensive epidemiological studies support the hypothesis that the disease is associated with the transfer of the scrapie agent to cattle with animal tissue-derived protein derived supplements in the food’; and (b) ‘the potential for a similar outbreak exists in any country in which sheep have scrapie and where animal feed may become contaminated through the use of animal carcass-derived meat and bone meal supplements’ (J/AVMA/196/1673). On this, in a minute dated 29th August, 1989 that I sent to Dr Watson relating to the summaries prepared for the report of the Roundtable meeting, I commented that ‘it would be wise to move to an international ban on the feeding of ruminant protein to ruminants’ (YB89/8.29/3.1). The minute reflects MAFF’s position at the time on use of meat and bone meal in the EC. As I described in my previous statement (WS 184A, paragraphs 6 to 13 of Section E) MAFF were seeking a Community-wide ban on all feeding of ruminant based material to ruminants.’⁵⁸

56. A supplemental statement provided by Mr Meldrum includes the following in relation to the CVO Annual Report published in about July 1989:

‘Also in the summer of 1989 (around about July 1989) the CVO’s Annual Report for 1988 was published (M24 Tab 4). The CVO’s Annual Report is circulated around the world and is also reported on and summarised in the Veterinary Record (for example see page 468 of the Veterinary Record published on 4th November, 1989). Page 6 of the 1988 Annual Report included a full description of the BSE situation and action taken by MAFF, with the following reference to the ruminant feed ban: ‘In addition, the Bovine Spongiform Encephalopathy Order 1988 banned the use of protein

⁵⁷ YB89/6.15/9.1-9.2

⁵⁸ S Meldrum 7 (WS No. 184E) Section I para 15

of ruminant origin in feed for ruminants from 18 July to 31 December 1988. This precaution was taken pending a thorough review of the ability of the rendering industry to inactivate the BSE agent.’ (M24 Tab 4)⁵⁹

57. Mr Gummer succeeded Mr MacGregor as Minister of Agriculture, Fisheries and Food on 24 July 1989.
58. On 11 August 1989, Mr Meldrum wrote to the Director General of the OIE (Dr Blajan).⁶⁰ Mr Meldrum enclosed a copy of the Southwood Report together with copies of articles by Mr Wilesmith⁶¹, a paper presented by Mr Bradley to the BVA Congress in September 1988⁶² and Mr Wells’ article in the *Veterinary Record* of 31 October, 1987⁶³. Mr Meldrum stated that Director General had mentioned he was considering calling a meeting to discuss BSE. Mr Meldrum stated that MAFF ‘would be happy to field a team to discuss all aspects of the disease, its control, epidemiology and all the associated research and development that we have in hand and propose for the future.’
59. The Director General (Dr Blajan) replied on 29 August 1989.⁶⁴ Dr Blajan stated that the documents Mr Meldrum had provided allowed Dr Blajan to ‘fulfil the request for information I had received from the Delegates of Algeria, Morocco and Tunisia on this matter’. Dr Blajan also noted that BSE would be included on the agendas for the next meetings of both the International Animal Health Code and the Foot and Mouth Disease and Other Epizootics Commissions.
60. A supplemental statement provided by Mr Meldrum includes the following:

‘In August 1989 the WHO was preparing a review and update on BSE. Dr de Balogh (the Associate Professional Officer of Veterinary Public Health in the WHO Division of Communicable Diseases) drafted a paper for publication in the ‘WHO Weekly Epidemiological Review’ and the Information Circular of the Mediterranean Zoonoses Control Programme (see letter from Dr de Balogh to Dr P. Dawson dated 14th August, 1989 (YB89/8.14/6.1-6.3). The following was included in the paper: ‘As a precaution against possible transmission of spongiform encephalopathy in animal protein, the carcasses of animals infected with BSE are now condemned and the inclusion of meat and bone meal from a ruminant source in the diet of animals has recently been banned.’ Although the article was not published in the Information Circular until April 1990 (YB90/4.00/5.1-5.3), the very fact that it was being prepared in 1989

⁵⁹ S Meldrum 7 (WS No. 184E) Section I para 19

⁶⁰ YB89/8.11/7.1

⁶¹ J/VR/122/614

⁶² M11, Tab 8

⁶³ J/VR/121/419

⁶⁴ YB89/8.29/14.1

further indicates the level of international awareness of BSE and the UK control measures during the period prior to February 1990.’⁶⁵

61. A note of a meeting held on 3 November 1989 between the Permanent Secretaries of the Department of Health and MAFF (also attended by Mr Heppell of the Department of Health and Mr Meldrum and Mrs Attridge from MAFF) includes the following:

‘MAFF confirmed that countries continuing to import UK ruminant protein were aware of the BSE position and used such material only for pig and poultry feed (a practice recognised as safe by the Southwood Report).’⁶⁶

62. A supplemental statement provided by Mr Meldrum includes the following in relation to a meeting of the OIE Foot and Mouth Disease and Other Epizootics Commission which took place on 28 November to 1st December 1989⁶⁷:

‘A useful description of the meeting and how it related to the Code for international trade produced by the International Animal Health Code Commission is contained in a minute from Mr Kyle to Mr Lawson dated 4th December, 1989 (YB89/12.4/7.1). Presentations of technical papers were given by Mr Bradley and Mr Wilesmith and Mr Lawson gave a summary of the legislative and administrative action taken in the UK (as reported by Mr Kyle in a minute dated 4th December, 1989 (YB89/12.4/6.1) and by Mr Bradley in a minute dated 6th December, 1989(YB89/12.6/4.1)). At the meeting a summary document on BSE was discussed (YB89/12.4/6.2-6.7), amended and unanimously accepted together with a paper prepared by MrBradley, Mr Wilesmith and Mr Lawson providing a brief account of the major features of BSE, its epidemiology and the measures taken to control it in the UK. The summary document (pages 17 to 19 of the OIE Report of the meeting) included the following references (YB89/12.4/6.2-6.7):

- (a) ‘The increase in exposure of cattle in 1981-82 which led to the appearance of clinical disease in 1985/86 was due to either proprietary concentrate rations or protein supplements containing meat and bone meal contaminated with viable agent’ (page 17) (YB89/12.4/6.2);
- (b) ‘... an increasing sheep population and prevalence of scrapie and changes in the industrial processing methods for meat and bone meal production ... may have resulted in a less effective reduction in the amount of agent in the final product than hitherto’ (YB89/12.4/6.2); (page 17)
- (c) under the heading ‘Recommended action for early detection of BSE’ reference was included to undertaking studies to determine ‘the use of and inclusion rate of ruminant protein in rations fed to ruminants’ and that consideration be given to ‘banning the feeding of ruminant protein to ruminants’ (page 18) (YB89/12.4/6.5); and

⁶⁵ S Meldrum 7 (WS No. 184E) Section I para 18

⁶⁶ YB89/11.03/4.1-4.3

⁶⁷ S Meldrum 7 (WS No. 184E) Section I para 20

- (d) under the heading 'Recommended action for countries wishing to import cattle and cattle products' it was suggested that answers be determined to questions including 'Are ruminant carcasses processed for inclusion in ruminant rations?' and 'Is ruminant-derived meat and bone meal fed to cattle and what is the inclusion rate?' (YB89/12.4/6.5-6.6) (page 19).

In addition, the paper providing the brief account on BSE in the UK (Appendix IV of the OIE Report of the meeting) noted that the control of BSE in cattle was 'effected largely through the banning of the feeding of ruminant-derived protein to ruminants (since July 1988) (YB89/11.30/6.1-6.6).'

63. On 1 December 1989, Dr Pickles wrote a minute to Dr McInnes (PS/CMO) entitled 'Bovine Spongiform Encephalopathy (1) Exports (2) Tyrrell Report'. Dr Pickles stated that she enclosed a draft letter for the CMO to send to MAFF 'together with copies of recent PQs to demonstrate that we are not the only ones questioning this practice.' The attached draft letter, addressed to the Chief Veterinary Officer, included the following:

'There is a matter which I have discussed with you previously and which in the absence of a satisfactory answer I would now like to raise more formally. This concerns the continued export of potentially BSE-and scrapie-contaminated meat and bone meal from the UK. We acted promptly in this country to ban the feeding of this material to ruminants last summer. The tardy response from other nations, with so far only one or two restricting use of UK imports, suggests that the risk has not been fully appreciated overseas. Indeed it is unrealistic to expect nations who have not seen any BSE (yet) to give this any priority. There seems every justification for, at the very least, persuading UK manufacturers to give written warnings with exports that the meal is not for feeding to ruminants, and perhaps to alert the authorities in any nation importing our material. Whilst such trade may have been limited in the past, with the new restrictions on domestic outlets, the renderers and compounders could well be seeking new markets overseas. I hope you will feel able to look at this again and give me the reassurance I am seeking.'⁶⁸

64. On 3 January 1990, Sir Donald Acheson wrote to Mr Meldrum. The letter included the following:

'You will recall that we have previously discussed the potential risks of BSE occurring in other countries as a result of the continuing exports from the UK of meat and bone that may be contaminated by scrapie or possibly BSE.

I remain concerned that we are not being consistent in our attempts to contain the risks of BSE. Having banned the feeding of meat and bone meal to ruminants in 1988, we should take steps to prevent these UK products being fed to ruminants in other countries. This could be achieved either through a ban on the export of meat and bone meal, or at least by the

⁶⁸ YB89/12.1/5.1-5.3

proper labelling of these products to make it absolutely clear they should not be fed to ruminants. Unless such action is taken the difficult problems we have faced with BSE may well occur in other countries who import UK meat and bone meal. Surely it is short sighted for us to risk being seen in future as having been responsible for the introduction of BSE to the food chain in other countries.

I would be very interested to hear how you feel this gap in the present precautionary [sic] measures to eliminate BSE should be closed. We should be aiming at the global elimination of this new bovine disease. The export of our meat and bone meal is a continuing risk to other countries.⁶⁹

65. A minute from Mr Lebrecht (PPS/Minister) reported discussion at the 24 January meeting as follows:

‘9. Mr Meldrum drew attention to the Chief Medical Officer's letter of 3 January requesting either a ban on the export of meat and bonemeal or labelling of these products when exported to make clear that they should not be fed to ruminants. We were currently exporting meat and bone meal to a number of third countries. If we informed them that these products were not permitted to be fed to ruminants in the UK, Mr Meldrum was convinced the countries concerned would cease to import them.

10. The Minister said that we had a moral obligation to ensure that importing countries were aware that we did not permit the feeding of these products to ruminants. Moreover we could not take the risk of being responsible for exporting BSE through failure to inform importing countries. Mr Meldrum should accordingly write individually to his opposite number in each of the countries to which we exported this material. We should also make a statement in the OIE journal which was widely read throughout the world. In addition we should invite UKASTA members to inform us if they intended to develop a new export market for this material, in which case Mr Meldrum should inform those countries of the conditions applying. I should be grateful if Mr Meldrum would pursue these points urgently.⁷⁰

66. In his statement to the Inquiry Mr Meldrum recalled the consideration of Sir Donald Acheson's letter of 3 January 1990:

‘On 24th January, 1990, a meeting was held with the Minister and the Parliamentary Secretary attended by me, the Permanent Secretary, Mr Packer and other MAFF officials. At the meeting, I also mentioned the letter I had received from the CMO on 3rd January, 1990. I expressed my concern that if we informed the third countries to whom we were currently exporting meat and bone meal that these products could not be fed to ruminants in the UK, that they would cease to import them altogether even though they could be legally fed to pigs and poultry in the UK. The Minister said that we had a ‘moral obligation’ to ensure that importing

⁶⁹ YB 90/1.03/1.1

⁷⁰ YB 90/1.25/2.1

countries were aware that we did not permit the feeding of these products to ruminants and he asked me to write individually to my opposite number in each of the relevant countries.’⁷¹

67. On 9 February 1990, Mr Meldrum wrote to Sir Donald Acheson. The letter included the following:

‘In recent years, about three quarters of our export trade in meat and bone meal has been with other Member States of the Community. From the outset they have been kept fully informed about BSE and its likely cause. They are of course at liberty, in the light of this knowledge, to stop imports or to impose whatever health conditions they wish prior to any importation and to determine its subsequent use. Some, like Germany, France, Italy and Greece, have decided to ban imports altogether. On the other hand, the Netherlands has adopted legislation which parallels our own, i.e. there is a ban on the use of ruminant based meat and bone meal in ruminant rations.

What we have been advocating in Brussels is a Community-wide restriction on the lines of the measures which currently operate in the UK and the Netherlands. It is not yet clear whether or not this proposal will attract the support we would wish. It may well depend on the results of an initiative taken by the Scientific Veterinary Committee, which is to look at rendering practices in the Community ‘with a view to identifying the conditions which would eliminate the risk of the agent BSE being transmitted to ruminants by way of feedstuffs’. I attach a copy of the note commissioning this study. This group met for the first time last Monday and is expected to report in about two or three months’ time. In all the circumstances therefore I do not see a need to take any action at this stage as regards other Member States.

A few non-Member States have been importing meat and bone meal but in very small quantities. Again, they should be fully aware of the position in the UK through the auspices of the Office International des Epizooties (OIE) in Paris. OIE have been kept regularly informed about the disease so that the information can be made available to all the Member Countries. More recently a meeting was held by the OIE in Paris on BSE and the scientific conclusions of that meeting and their conclusions on the role of ruminant protein in the epidemiology of the disease are being sent to all 110 Member Countries. On the basis of this information importing countries can make their own judgement about whether or not to continue importing such material. Some, like Israel, have indeed stopped doing so. In spite of all this, to make doubly sure that these countries are absolutely certain about the situation, I will shortly be writing to their Chief Veterinary Officers to give them further details about BSE and the means we have taken to deal with it.

I hope that you will accept that we have approached this in a responsible manner and that it is not necessary to adopt the measures you suggest. I will of course keep you in touch with developments in relation to the Scientific Veterinary Committee sub-group’s conclusions.’⁷²

⁷¹ S Meldrum E24-26

⁷² YB90/02.9/10.1-10.2

68. Mr Meldrum recounts the following in a statement to the Inquiry:

‘I replied to the CMO’s letter on 9th February, 1990 explaining that three quarters of our export trade in meat and bone meal was with Member States, who were fully informed about BSE and its likely cause and were free to take any action they wished about imports from the UK.⁷³ I also referred to the fact that we were still pressing for a Community-wide restriction on the feeding of ruminant protein to ruminants. As regards the few non-Member States to which we had been exporting meat and bone meal in small quantities, I explained that they should be fully aware of the position in the UK through the OIE who have been kept regularly informed about BSE such that the information could be made available to all the Member Countries. Again, I emphasised that on the basis of this information importing countries were free to decide whether or not to continue importing meat and bone meal from the UK. In addition as requested by the Minister on 14th February, 1990 I sent a letter to the Chief Veterinary Officers of all the third countries still importing meat and bone meal from the UK advising them of the BSE situation in the UK and the fact that meat and bone meal was the likely cause (see minute dated 15th February, 1990 from Mrs Skilton for a list of the countries).⁷⁴ The letter briefly described BSE and the epidemiological investigations we had conducted and the action that the UK Government had taken to deal with BSE.’⁷⁵

69. On 14 February 1990, Mr Meldrum wrote a letter to the Chief Veterinary Officers of a number of countries.⁷⁶ On 15 February 1990, Mrs Attridge and other officials were sent a copy of the letter of 14 February 1990 and a list of the countries to which it had been sent. They were stated to be the countries which had imported ruminant based meat and bone meal from the United Kingdom. The countries listed were Norway; Sweden, Switzerland, Czechoslovakia, Hungary, Nigeria, Thailand, South Africa, Malaysia, Taiwan, Hong Kong, South Korea, Japan, Canada, USA, Turkey, Kenya, Malta, Liberia, Lebanon, Saudi Arabia, Sri Lanka, Puerto Rico, Curacao, Finland.⁷⁷ The letter from Mr Meldrum included the following:

‘Although we have kept the Office Internationale des Epizooties (OIE) fully informed about this new disease, and they will shortly be disseminating information and recommendations to member countries, I am writing to you on a personal basis to ensure that you are aware of all the developments in relation to BSE, including its likely cause. The majority of our findings have now been published in the Veterinary Record.’⁷⁸

⁷³ YB 90/02.09/9.1-9.2

⁷⁴ YB 90/02.15/3.1-3.4

⁷⁵ S Meldrum 2, para E 29; YB 90/02.14/7.1

⁷⁶ YB90/2.14/7.1-7.3 at 7.1

⁷⁷ YB 90/2.15/3.1-3.4

⁷⁸ YB90/2.14/7.1-7.3 at 7.1

70. On 20 February 1990, Dr Pickles wrote to Ms Verity (APS/CMO). Dr Pickles' minute included the following:

1. Mr Meldrum is arguing that MAFF have already taken all the necessary and responsible steps to warn importing countries of the BSE dangers in UK meat and bone meal. Yet the action taken so far overseas suggest the message has not got through, or where it has this has been late. The first nation that woke up to the danger did so a year after our own feed ban. It seems even now several EC countries neither ban our imports or the general feeding of ruminant protein. It also seems the OIE and CVO have yet to inform the rest of the world.
2. I do not see how this can be claimed to be 'responsible'. We do not need an expert group of the Scientific Veterinary Committee to tell us British meat and bone meal is unsafe for ruminants. I fail to understand why this cannot be tackled from the British end which seems to be the only sure way of doing it, preferably by banning exports. As CMO says in his letter of 3 January 'surely it is short sighted for us to risk being seen in future as having been responsible for the introduction of BSE to the food chain in other countries.'⁷⁹

71. Dr Pickles attached a draft reply for the CMO to send to Mr Meldrum. The draft letter included the following:

'I was pleased to hear of your action to inform nations overseas about the causation of BSE and the measures needed to prevent infection in their own cattle. But the evidence of action taken so far suggests other nations have not fully appreciated the possible hazards from our meat and bone meal, since only a few nations have either banned our imports or the more general feeding of ruminant material. It is in the knowledge that several other nations have yet to take adequate steps that I questioned whether we should be restricting exports. Your reply does not convince me that everything possible has already been done.

[We are meeting on the 22nd February and our discussions are to include BSE. We could debate this further then]. [We have discussed this matter further at our recent meeting. Our view remains that restricting exports would be the right course of action.]⁸⁰

72. On 22 February 1990 Mr Andrews held a meeting with Sir Christopher France, Sir Donald Acheson and Mr Heppell from the Department of Health; Mr Dickinson and Mr Meldrum from MAFF were present. Mr Robinson (PS/Mr Andrews) minuted Mr Dickinson on 27 February 1990 about this meeting.⁸¹ The minute stated in paragraph 18:

'Sir Donald Acheson asked whether meat and bone meal that was exported should be labelled. Mr Meldrum said that he had now written to his opposite number in our trading partners. He had told them that the UK had imposed a ban, and importing countries must make their own decisions.

⁷⁹ YB90/2.20/10.1-10.2 at 10.1

⁸⁰ YB90/2.20/10.1-10.2 at 10.2

⁸¹ YB 90/2.22/8.1-8.11

We had not wanted to introduce a ban on exports since we were content to feed it to pigs and poultry. He was certain that other countries were fully aware of the situation in the UK.'

73. On 27 February 1990, Dr McInnes (PS/CMO) wrote to Dr Pickles. The minute was entitled 'BSE and exports of Meat and Bone Meal' and contained the following:

'You very kindly provided a draft letter for CMO to send to Mr Meldrum on this subject. I understand from CMO that this was in fact discussed at their recent meeting and CMO has therefore decided not to pursue this question.'⁸²

74. When Dr Pickles gave oral evidence, the following exchange took place:

'MR THOMAS: Do the points put forward by Mr Meldrum in that meeting in this note answer the concerns you had put forward previously?

DR PICKLES: I do not think they do.

MR THOMAS: Can I ask you to expand as to why not?

DR PICKLES: He was reiterating the same arguments I had had previously. He was certain other countries were fully aware of the situation in the UK, or maybe their chief veterinary officers were. I was more concerned to know whether the importers of MBM and their compounders and farmers knew about it.

MR THOMAS: Do you recall any discussion of the CMO's decision not to pursue the question further?

DR PICKLES: I do not think I had discussion, no.'⁸³

75. A supplemental statement from Mr Meldrum includes the following:

'... steps were taken to ensure that information was provided on an international basis about BSE and the control measures introduced in the UK, including the ruminant feed ban. I was fully aware that the reports of all the meetings of the OIE Commissions in the languages of the OIE were circulated to all the member countries shortly after the meetings had taken place. Examples of countries reacting to the information about BSE that was widely available can be seen in letters dated 21st June, 1988 (YB88/6.21/15.1) and 3rd February, 1989 (YB89/2.3/5.1) from me to Israel's Director of Veterinary Services and Animal Health, a letter dated 11th October, 1988 (YB88/10.11/4.1-4.4) from me to Cyprus' Director of Veterinary Services, a letter dated 3rd February, 1989 (YB89/2.03/6.1) from me to Finland's Director of Veterinary Services and a letter dated 6th December, 1988 (YB88/12.6/5.1-5.2) from Mr Hawkins to the Dairy Farmers' Association of Japan. I particularly wish to draw attention to the question and answer brief for importing countries which is attached to the

⁸² YB90/2.27/5.1

⁸³ T116, pages 94-95

letter to Cyprus' Director of Veterinary Services (YB88/10.11/4.2-4.4). Also a minute dated 3rd October, 1988 (YB88/10.3/7.1-7.4) from Mr Crawford to me describes a visit by Mr Crawford to the USA to meet staff at the Animal and Plant Health Inspection Service. As item number 7 of the minute shows, Mr Crawford gave a summary of BSE and the measures taken by MAFF to 'investigate and eradicate it'(YB88/10.3/7.3).⁸⁴

76. A supplemental statement provided by Mr Meldrum includes a section relating to notification of the ruminant feed ban to non-EC countries which concludes with the following:

'... it can be seen that non-EC countries were kept informed of the existence of BSE and the hypothesis on the role of meat and bone meal in the disease and of the subsequent introduction of the ruminant feed ban in the UK. As I maintained throughout the period from when I took over as CVO (1st June, 1988) until my letter to the CVOs of third countries on 14th February, 1990 (YB90/2.15/3.1-3.4), importing third countries (both EC and non-EC) had sufficient information to make their own decisions as to whether or not to impose their own restrictions on imports of meat and bone meal from the UK. It is also pertinent to note that so far as I am aware none of the 25 countries to whom I wrote in February 1990 banned the import of animal protein from the UK and none complained that they had not been informed of BSE through the OIE. This is hardly surprising because one of the main reasons for the existence of the OIE is to disseminate information about outbreaks of disease amongst the member countries. I had great faith in the OIE and believe that its record in the dissemination of information about outbreaks of both established and emerging diseases is above criticism.'⁸⁵

⁸⁴ S Meldrum 7 (WS No. 184E) section I, para 21

⁸⁵ S Meldrum 7 (WS No. 184E) section I, para 22