



Consultation on Proposed Introduction of
Bovine Viral Diarrhoea (BVD) Herd Restrictions
Summary of Responses and Way Forward
October 2023

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www.daera-ni.gov.uk/consultations/BVD-Herd-restrictions

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1. Introduction

- 1.1. The Department of Agriculture, Environment and Rural Affairs (the Department) launched an eight-week consultation on 25 October 2022 seeking views on its proposals to introduce herd restrictions to eradicate BVD in Northern Ireland (NI). It wishes to thank all stakeholders and members of the public who took the time to respond to the consultation.
- 1.2. This document provides a summary of the responses received and sets out the Department's intended way forward following consideration of those responses. It is not intended to be a comprehensive report of every view expressed by consultees but rather a broad summary of the issues raised by respondents. Its publication follows the policy direction set by the former Minister of Agriculture, Environment and Rural Affairs, Edwin Poots, MLA, in October 2022 when he agreed that officials should, following the consultation, work towards introducing the legislation needed to impose herd restrictions.

Background

- 1.3. The consultation paper set out a series of proposals for herd restrictions relating to:
 - herds with positive animals;
 - herds with inconclusive animals;
 - herds with unknown status animals; and
 - herds with untested 'pre-2016' animals.

It posed a total of 32 questions which considered the extent, application and timing of restrictions and their removal.

- 1.4. The related screening documents were published and remain available on the Department's website (www.daera-ni.gov.uk/consultations/BVD-herd-restrictions). The consultation was also promoted via a press release, social media, the Department's website and correspondence issued to a wide range of Departmental stakeholders. Consultees were invited to respond to the consultation online using the NI Government consultation tool 'Citizen Space' at consultations.nidirect.gov.uk.

Consultation Responses

- 1.5. The consultation closed on 20 December 2022 and, by then, a total of 22 responses were received. Mid Ulster District Council responded in the form of a letter and its comments have been considered and reflected, where appropriate, in the summary document, however their responses are unable to be accounted for in the quantitative analysis. Twelve of the responses were from individual members of the public and, for data protection purposes, have been treated anonymously in this document. Two of the responses received were from animal health and welfare organisations, namely Animal



Health and Welfare Northern Ireland and Animal Health Ireland. Three responses were from veterinary associations, including North of Ireland Veterinary Association and Association of Veterinary Surgeons Practising in Northern Ireland. Responses were also received from the Ulster Farmers' Union and the Dairy Council for Northern Ireland. Every respondent, apart from one, answered all required questions asked in the consultation. However, they did not all provide comments on the questions. **Appendix A** provides a list of the organisations and individuals who agreed to be named as respondents to the consultation. **Appendix B** provides a breakdown of respondents by stakeholder category.

- 1.6. Sixty-seven percent of respondents commented on the Regulatory Impact Assessment and a summary of the feedback can be found at paragraphs 4.1 and 4.2. Fifty-seven percent of respondents commented on the Rural Needs Impact Assessment and Equality Screening document and a summary can be found at paragraph 4.3.

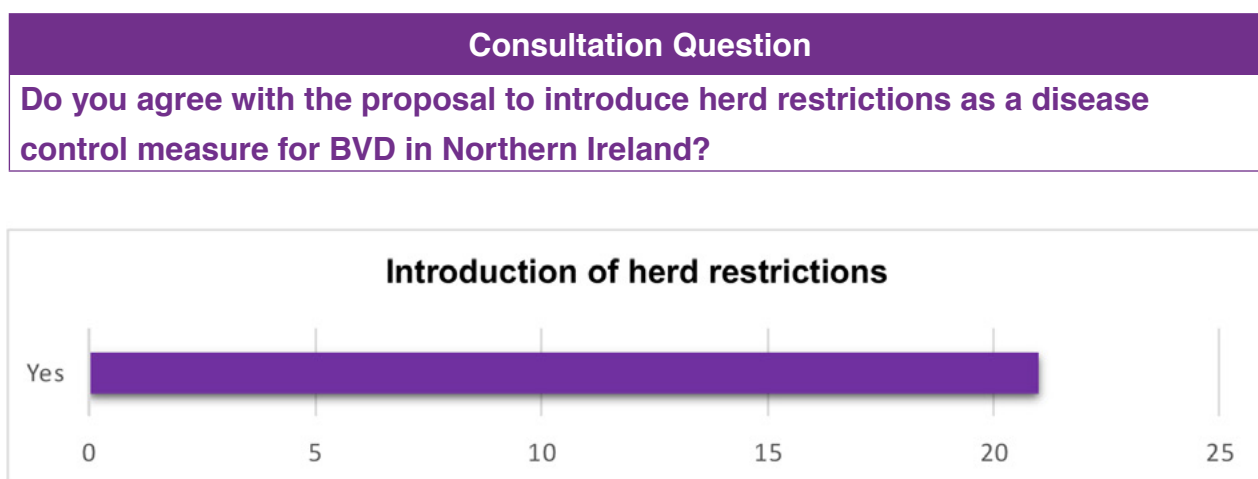
2. Key Findings

- 2.1. Overall, the Department's proposals were very favourably received. The introduction of herd restrictions as a disease control measure for BVD in NI was welcomed by 100% of respondents. Proposals to restrict herds containing animals with positive or inconclusive test results as well as herds containing animals with unknown BVD status were strongly supported (receiving 100% and 90% support respectively).
- 2.2. There was unanimous agreement that, subject to the proposed exceptions, movements from herds restricted due to a BVD positive animal should be prohibited. Furthermore, all respondents agreed that restrictions should apply to all herds containing positive animals, irrespective of the herd size or nature and that the restriction should also apply to associated herds.
- 2.3. Most of the respondents (86%) agreed that there should be a grace period before restrictions are applied, to ensure compliance and allow the policy to become established. Seventy-six percent believed that 28 days was an appropriate initial grace period. Ninety percent agreed that the grace period should be reduced gradually over one to two years so that herd restrictions would eventually be applied immediately after a positive BVD result.
- 2.4. No other movements out of, or into, restricted herds were proposed by respondents, apart from those proposed for possible welfare reasons. Most respondents (95%) agreed that the Department's proposals on lifting restrictions were appropriate and fair.
- 2.5. The majority (95%) also agreed that restrictions should be imposed on breeding age females in restricted herds.
- 2.6. Finally, most of the respondents (95%) also agreed that there should be a legal requirement to test animals born or brought into a herd before 1 March 2016 that currently do not have a BVD status.



3. Responses to Individual Questions

- 3.1. Respondents to the consultation were asked to answer a total of 32 questions. A summary of the responses received to questions on the proposals is provided below. A breakdown of the responses to each question can be found at **Appendix C**.



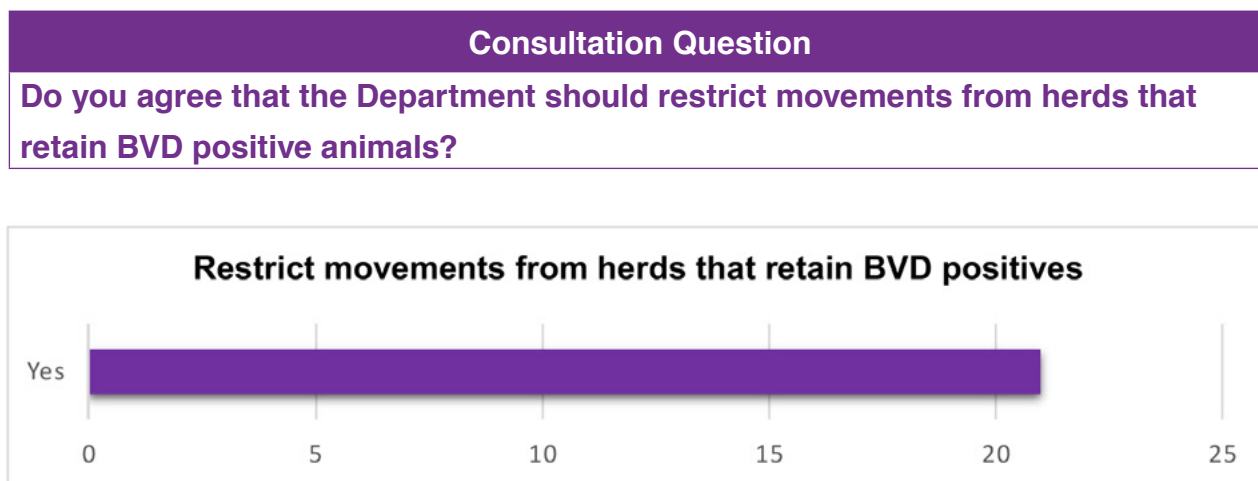
- 3.2. All respondents agreed with the proposal to introduce herd restrictions as a disease control measure for BVD in NI including the Ulster Farmers’ Union (UFU), Animal Health and Welfare NI (AHWNI), the Association of Veterinary Surgeons Practising in NI (AVSPNI), Animal Health Ireland (AHI) and the Dairy Council NI (DCNI). Mid Ulster District Council (MUDC) also stated that it was supportive of the proposals to restrict movements from herds that retain BVD positive animals.
- 3.3. AHWNI, AVSPNI, the NI Veterinary Association (NIVA) and some individual respondents commended herd keepers for the excellent levels of compliance with the compulsory BVD programme requirements but noted that initial decreases in herd and animal level incidence have not been sustained. They indicated that they believed this to be due to the transmission of BVD virus within and between herds (both contiguous and purchasing herds). The positive progress in the Republic of Ireland (ROI) due to the introduction of herd restrictions in conjunction with other measures including financial supports and biosecurity notifications was highlighted by these respondents. They expressed the opinion that the introduction of BVD herd restrictions as a disease control measure in NI, should also lead to a significant improvement in the progress of the scheme, noting that the BVD Implementation Group is supportive of the proposal. The success of herd restrictions in the ROI was referred to by nine respondents (43%).
- 3.4. Two individual respondents to this question noted that herd restrictions are a necessary tool to reduce or eliminate the number of persistently infected (PI) animals retained in herds and to enable NI to achieve BVD free status. One respondent, while in favour of herd restrictions, commented that they would not stop the inadvertent spread of BVD to neighbouring herds.



Department's Response

- 3.5. The Department welcomes respondents' unanimous agreement to its proposal to introduce herd restrictions as a disease control measure for BVD. It therefore intends to proceed to take forward legislation to give effect to that proposal.

1. Herds with positive animals



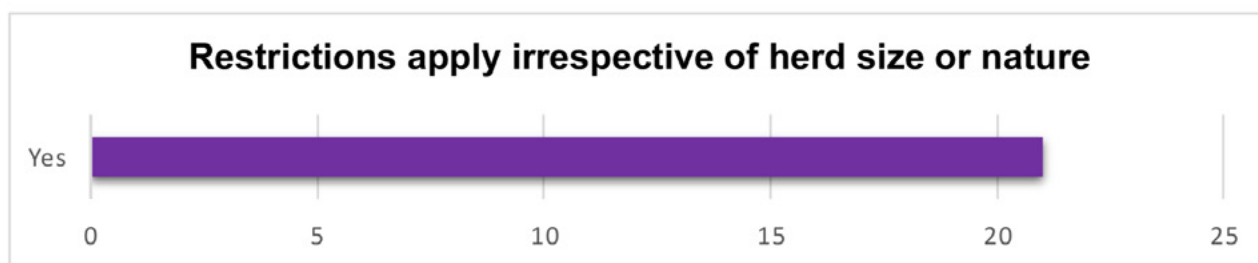
- 3.6. All respondents agreed that the Department should restrict movements from herds that retain BVD positive animals. Out of the 21 respondents to the consultation, 14 made additional comments when answering this question. Seven of them contended that it makes sound economic sense for farmers to cull PI animals as they will have a negative impact on herd health and herd profitability. These respondents were also of the view that any measures that encourage farmers to deal with BVD infection quickly will have a benefit to society, due to environmental gains in terms of reduced greenhouse gas emissions and the public health benefits that will accrue from the reduced use of antimicrobial medicines.
- 3.7. The UFU expressed the view that BVD positive animals are a huge risk not only to the natal herd but to any animal which is in contact with the affected animal either directly or indirectly. AVSPNI and NIVA responded that all movements from herds that retain BVD positive animals other than movements direct to slaughter, must be restricted. They added that, disclosure of a BVD positive result indicated that the animal presents a risk to other cattle in the herd and potentially in other herds.
- 3.8. Several respondents suggested that, as the BVD incidence falls, the time from disclosure of a BVD positive result in a herd until the application of herd restrictions, should be reduced to the point where herd restrictions are applied immediately, with two respondents stating that there is a good argument for restrictions to be applied immediately after a positive result.



- 3.9. MUDC recommended “antibody testing of targeted groups to determine whether the group/herd has been exposed to the disease and to gain knowledge of whether or not a PI animal is likely to be present”. One individual respondent was of the view that herd restrictions would not stop the spread within herds or prevent the risk of further persistently infected animals being born, although they agreed that movements should be restricted. In providing comments to this question, the individual in question did not identify the measures they considered might prevent the spread.

Consultation Question

Do you agree that herd restrictions should be applied to all herds that retain positive animals irrespective of herd size or herd nature?

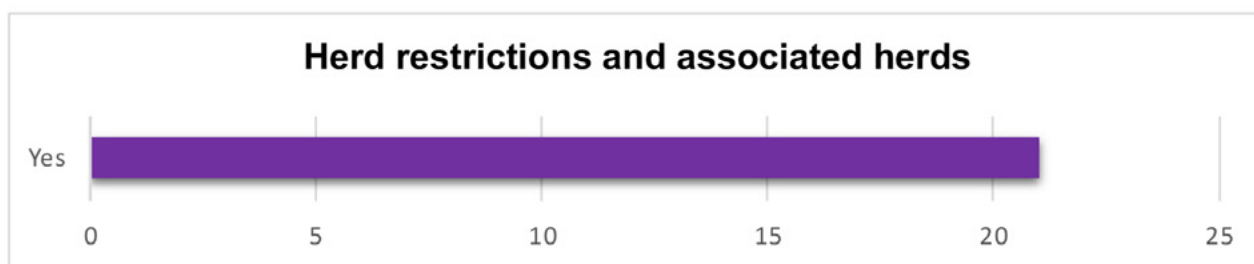


- 3.10. All respondents agreed that restrictions should apply to all herds, irrespective of herd size or nature. Fourteen respondents provided additional comments some of which, highlighted that the BVD virus spreads between cattle irrespective of herd size or herd type and that any herd with a retained positive animal presents a risk. UFU commented that there was no logic to deviate from criteria for restricting herds and DCNI noted that the potential spread of BVD is not herd specific, so the proposed restrictions should be applied equally across all herds.
- 3.11. AHWNI and NIVA, along with some individual respondents commented that any bovine animal may be susceptible to the BVD virus (aside from those with natural or vaccinal immunity) and that powers are needed to allow the application of herd restrictions to any affected herd. These respondents further added that, when a BVD herd restriction is applied, the status should be apparent on the NI Food Animal Information System (NIFAIS).
- 3.12. AHI commented that retaining positive animals increases the risk of further outbreaks in the herd of residence and neighbouring herds, independent of the herd’s size or nature. It suggested that the assignment of statuses to herds should be considered as part of the NI BVD eradication programme as, in its view, it had proved to be a key tool in the management of the ROI’s BVD eradication programme. Other respondents including AHWNI, AVSPNI and UFU echoed these sentiments.



Consultation Question

Do you agree that herd restrictions should apply to herds ‘associated’ with the herd containing the positive animal i.e., herds that are kept, managed or housed with the herd that has the positive animal?



- 3.13. All respondents agreed that herd restrictions should also apply to associated herds. In providing reasoning, a significant number of respondents noted that associated herds should be treated as being in the same epidemiological unit as the native herd. AHWNI and NIVA further explained that where BVD virus is found in one herd, any associated herds also have a very substantial risk of the presence of the BVD virus. These respondents, along with four others, considered it essential that associated herds be restricted at the same time as the breakdown herd.
- 3.14. UFU commented that the risk of BVD must be managed as if associated herds were present on the same farm. AHI considered that associated herds would be at high risk of having BVD infection through both direct and indirect routes. It added that the goal of the restriction period should be to prevent onward transmission of the virus to other herds and to provide an opportunity to resolve infection within the disclosing herd.
- 3.15. Of the thirteen respondents that made additional comments in response to this question, one third noted the possibility that the virus could have originated in the associated herd as rationale for restricting that herd. In support of their view that associated herds should be restricted, six respondents highlighted the ways BVD virus could be transmitted to these herds. This included direct transmission from cattle to cattle contact, indirect transmission by the transfer of contaminated material on equipment or clothing and at common facilities such as cattle crushes.

Department's Response

- 3.16. The Department is pleased that all respondents agreed with its proposals to restrict herds containing BVD positive animals, given the risk they pose to other cattle in the herds and potentially associated herds. The Department understands that herd restrictions will not completely eliminate the risk of disease spread and reminds keepers of the importance of maintaining excellent biosecurity standards. If a herd is placed under restriction, a flag will be visible to the herd keeper on NIFAIS online or on a herd list.

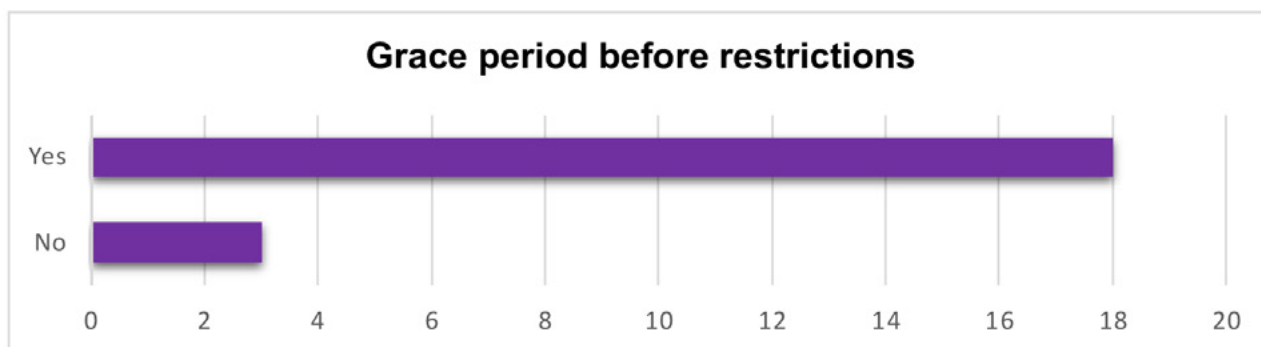


- 3.17. It has also considered the recommendation made by MUDC that antibody testing of targeted groups should be carried out to determine whether the herd has been exposed to the disease and to gain knowledge of whether or not a PI animal is likely to be present. The Department considers that antibody testing is appropriate in certain circumstances and would encourage keepers to discuss this option with their Private Veterinary Practitioner.
- 3.18. The Department notes that a number of respondents, including AHI, suggested that herd statuses should be used as a key management tool for BVD. The Department is open to exploring further potential disease control options in the future as NI progresses towards eradication.

II. *Timing and application*

Consultation Question

Do you think there should be a 'grace period' before herds with positive BVD test results are restricted to allow herd keepers time to retest or remove PI animals?



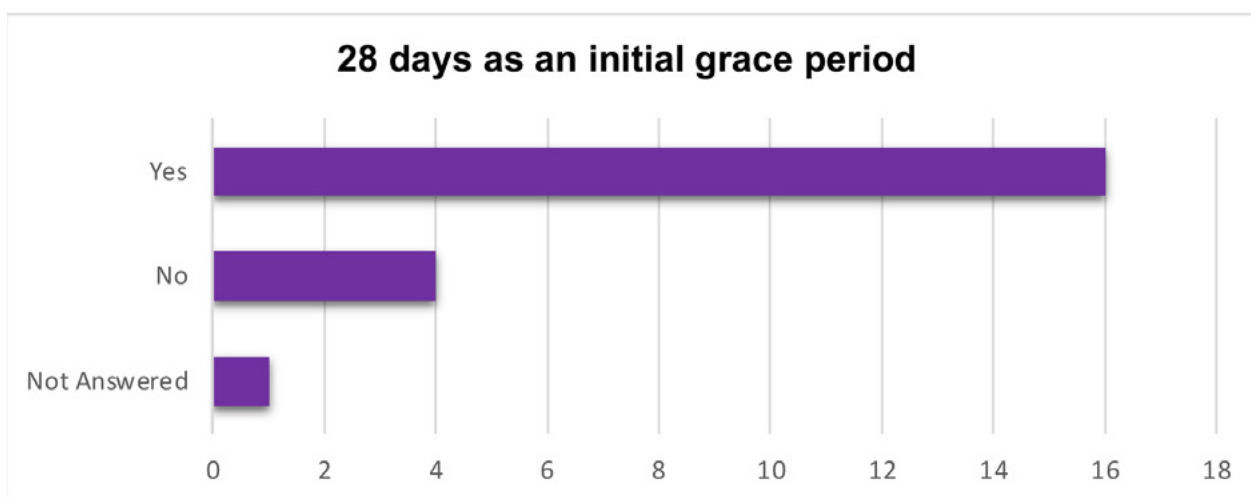
- 3.19. Of the 21 responses received, 18 (86%) agreed with the proposal that there should be a grace period before restrictions are applied. This included UFU which indicated its view that a grace period is essential to give compliant farmers the opportunity to retest animals, noting that approximately 20% of retested animals will test negative on retest.
- 3.20. Only three respondents answered 'no' to this question. All of them were individual respondents. One of them appeared to misunderstand the proposal and another did not provide any reasoning. The remaining respondent who disagreed, indicated that from an eradication point of view, restrictions should be applied immediately as they considered this would speed up eradication and discourage people from trying to "work around the system". Eight respondents, including AHWNI and NIVA, acknowledged that, from a disease control perspective, herd restrictions should be applied at the point when the positive result is returned. However, they accepted that introducing herd restrictions after a period of notice would allow the changes to bed in and the farming industry time to adapt until the policy becomes established.



- 3.21. In answering this question, AHWNI and UFU also advocated the carrying out of animal tracing from the point of birth of the BVD positive animal until the date of herd restriction so that purchasing herd owners can be informed of the risks associated with any animal(s) that they have purchased from a BVD breakdown herd.

Consultation Question

If so, do you consider 28 days an appropriate initial 'grace period'?



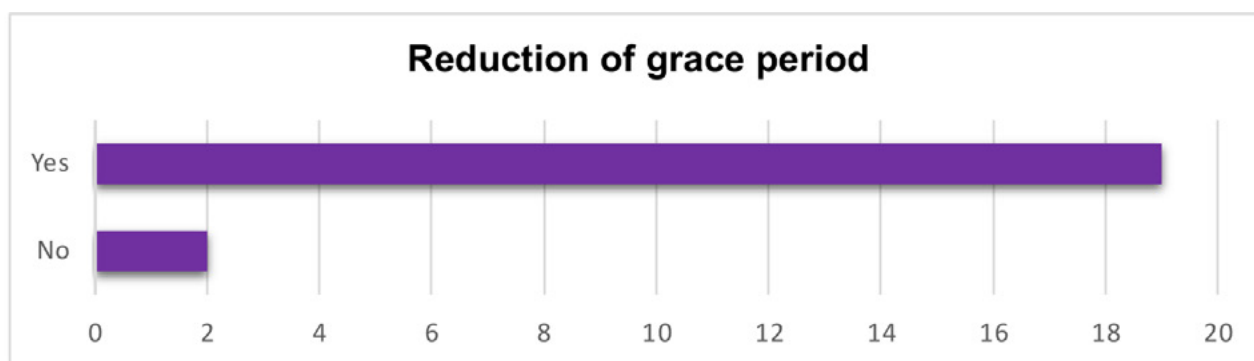
- 3.22. Sixteen respondents (76%) agreed that 28 days was an appropriate initial grace period. Four respondents (19%) did not agree. The remaining respondent did not answer the question but had indicated in response to the previous question that they wanted restrictions applied immediately. Out of the 21 respondents, 14 made additional comments.
- 3.23. AHI and UFU considered 28 days to be an appropriate initial grace period, given that retesting involves a 21-day waiting period. AHI noted that prompt action would be required by the keeper, vet, and laboratory to ensure the result is logged before 28 days. UFU noted the importance of communicating the need for rapid re-testing to avoid the imposition of herd restrictions. It was of the opinion that postal or laboratory delays should not be allowed to affect herd movements and that, where the herd keeper has completed the required action within the permitted timescale, a restriction should not be applied.
- 3.24. Six of the respondents who indicated agreement to the proposal felt that the Department should move quickly to impose immediate restrictions, as happens in Scotland and the ROI. This included AHWNI, AVSPNI and NIVA as well as some individual respondents. AHWNI noted, however, that, if a grace period was to be given, then 28 days is the maximum length for which it should last. They suggested that 21 days would be a preferable initial grace period, noting that the time for retesting ran from the date of tag application and that median laboratory turnaround time would allow for compliance with a reduced grace period. In proffering this view, AHWNI noted farmers can take the decision to cull BVD positive animals immediately and, thereby, avoid BVD herd restrictions. This point was echoed by three other respondents.



- 3.25. Of the four individual respondents who indicated their disagreement with the initial 28-day grace period, three gave reasoning. Two of them considered that 28 days was too long. One commented that it would give keepers an opportunity to sell animals to avoid them being restricted. Another suggested that a 14-day initial grace period would be sufficient. One respondent suggested that the period was too short, and a slightly longer grace period might be appropriate given that it would be a big ask for herd keepers who had not engaged with the BVD eradication programme to act promptly enough to comply.
- 3.26. Seven respondents, including AHWNI, AVSPNI and NIVA, suggested that during any grace period that is provided, the Department be willing to inspect all BVD positive animals to ensure that they have been satisfactorily isolated.

Consultation Question

Do you agree that the '28-day grace period' should be reduced within one to two years so that eventually herd restrictions would be applied immediately following a positive BVD result?



- 3.27. Nineteen respondents (90%) answered 'yes' to this question. Differing timeframes for the reduction of the grace period were suggested by these respondents; one respondent commented that the grace period should be reduced sooner within six months, and another stated it should be removed within two years or sooner. AHWNI and two individual respondents were of the view that the grace period should be reduced before one year. They suggested that its reduction could be commensurate with the fall in the rolling 12-month herd incidence and also with the number of herd restrictions having to be applied. AHWNI noted that it is expected that very few herds will be impacted by herd restrictions. It highlighted that industry has wanted to have a short, sharp eradication programme, that it is within the gift of most farmers to avoid the risk of BVD entering their premises and suggested that any grace period should be ended before spring 2024. Six other respondents shared this view.
- 3.28. UFU supported a reduction of the grace period over time, provided that the numbers of affected herds decrease in parallel. Two individual respondents shared this view that the grace period should be reduced as the level of disease reduces, with one respondent stating the level of compliance in removing infected and PI animals should be considered and appropriate decisions on reducing the grace period made based on the evidence.



- 3.29. AHI commented that, whilst the best option for disease control is immediate restriction, it understood the proposed staging of this measure. It confirmed the same approach has been applied in the ROI, where herds were initially restricted in 2017 if the virus positive animals were not removed within 35 days, with a reduction to 21 days in 2019 and immediate restriction from 2021.
- 3.30. Of the two individual respondents who answered 'no' to this question, one commented that the restriction should be applied immediately after a BVD positive animal is identified. The other commented that the initial grace period should be reduced steadily in a staged manner with a definitive timetable of reductions in grace periods published at the outset.

Department's Response

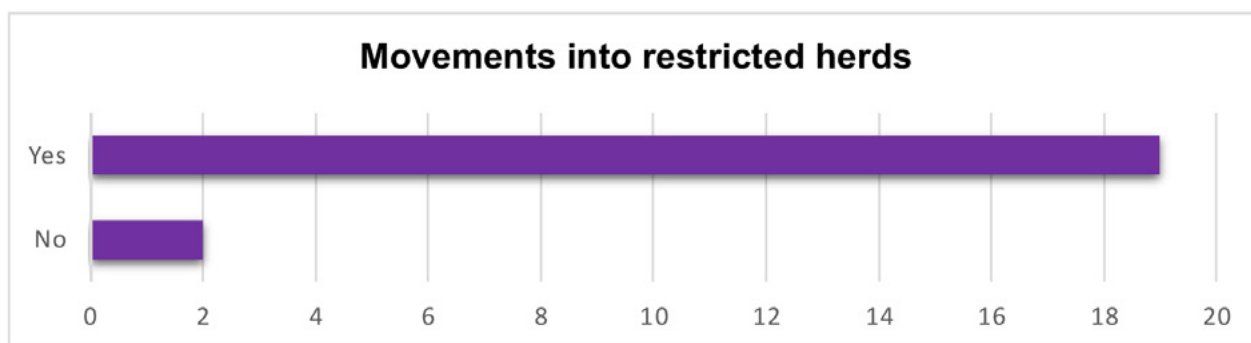
- 3.31. The Department is pleased that respondents generally agreed with its proposals regarding the timing and application of restrictions. However, it notes that there were some differing views on the appropriate length of a grace period, with a number of respondents suggesting that the imposition of immediate restrictions would be preferable from an eradication perspective. Taking these views into consideration, the Department intends to reduce the proposed grace period three months after the legislation providing for herd restrictions comes into effect; at that juncture, the grace period will be reduced from 28 days to seven days. After a further nine months, the Department intends to apply restrictions immediately on receipt of a positive result. The Department is satisfied, having considered all responses, that this is a balanced approach. It is conscious that some respondents indicated a desire to see the grace period removed and automatic restrictions applied by spring 2024. The Department is currently working to draft the legislation required for early consideration by an incoming Minister.
- 3.32. As noted, AHWNI and UFU suggested that animal tracing should be carried out from the point of birth of the BVD positive animal until the date of herd restriction so that purchasing herd owners can be informed of the risks associated with any animal(s) that they have purchased from a BVD breakdown herd. The Department can, in principle, see the benefits of animal tracing. However, further detailed consideration would be required to determine the feasibility of introducing this measure.
- 3.33. The Department is cognisant of the importance of ensuring that the imposition and lifting of restrictions are as efficient as possible, as highlighted by AHI. It is committed to ensuring that the process is as seamless as possible. It will also communicate the importance of prompt action by the keeper, vet, and laboratory to get re-sample results recorded within the 28-day grace period in order to avoid a restriction being placed on a herd.
- 3.34. The Department has also considered the UFU's request that there should be a discretion not to restrict herds if a keeper has taken all required actions to get his/her animal tested but there has been a delay getting results due to circumstances beyond the keeper's control. The Department remains of the view that automatic application of restrictions is the most effective and fair way to implement herd restrictions. It is not, therefore, minded to provide this proposed discretion.



III. *Movements out of and into restricted herds*

Consultation Question

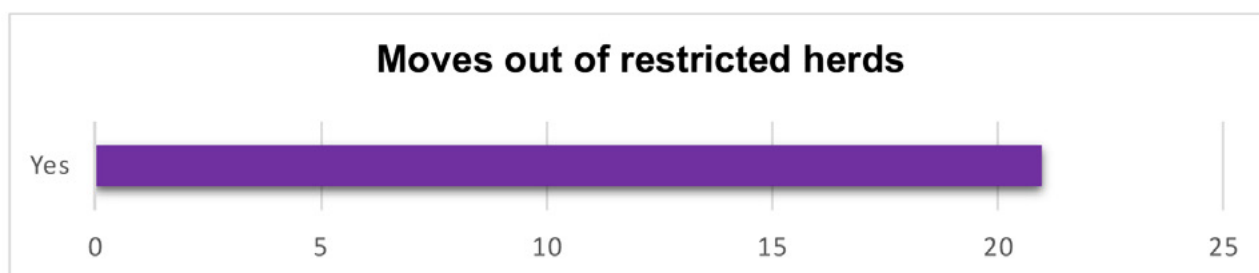
Do you agree that no movements should be permitted into a restricted herd apart from exceptionally under licence issued by the Department?



- 3.35. Nineteen respondents (90%) agreed that there should be no movements into restricted herds, apart from under licence in exceptional circumstances. Two respondents disagreed, with one commenting that movements out of, or into, restricted herds should be based on risk. The other respondent was of the view that keepers would move cattle regardless.
- 3.36. Six respondents including AHWNI, NIVA, and UFU commented that there are occasions when it would be appropriate to allow particular movements of cattle under licence into a BVD breakdown herd. Most of these respondents suggested that these situations should be rare and considered on a case-by-case basis. A number of respondents suggested that there would a need to be able to move a breeding bull on to the farm. Some expressed the view that there might also be a need to bring a replacement animal onto a herd. Three respondents, including AVSPNI, suggested that the process of granting any exceptional licence, along with details of exceptional movements, should be clearly defined from the outset. One individual respondent was of the view that restrictions should apply except in the case of a pre-arranged import or something similar.

Consultation Question

Do you agree that no movements should be permitted out of a restricted herd apart from moves to slaughter, for disposal as an animal by-product or exceptionally under licence issued by the Department?

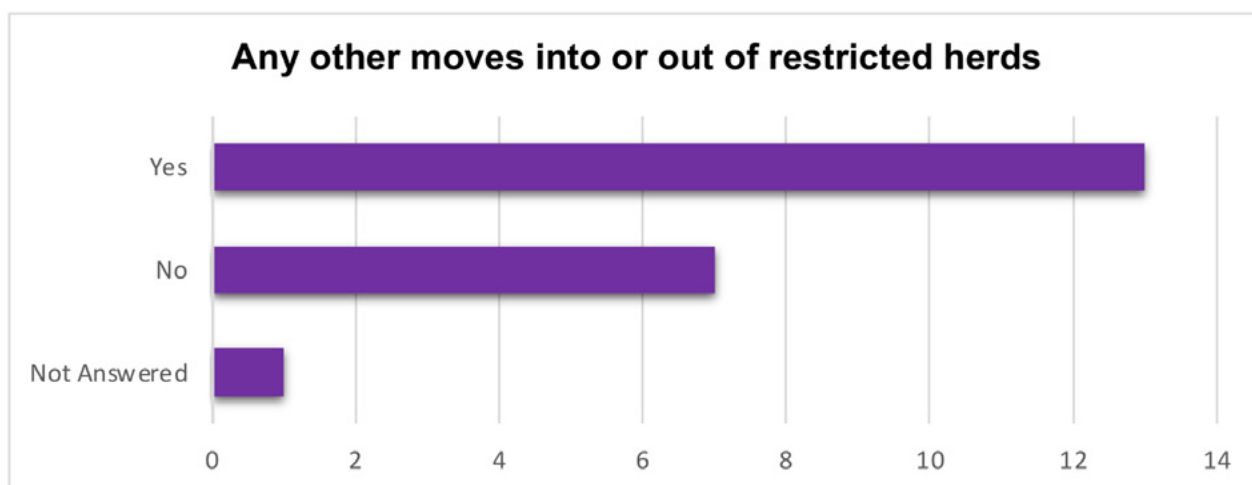




- 3.37. All respondents agreed with this proposal. AHWNI and three individuals further commented that there are times when it would be appropriate to allow certain movements of cattle under licence out of a BVD breakdown herd. AVSPNI considered it difficult to accept that there could be any circumstances in which movements out of a restricted herd should be permitted, other than movements to slaughter or for by-product disposal and that any other movements can only be allowed in exceptional circumstances. It added that all movements out of a restricted herd should be subject to additional inspection by DAERA officers and rigorous implementation of additional biosecurity and quarantine measures should be undertaken.
- 3.38. AHI emphasised that the point of herd restrictions being placed on positive herds is to minimise the risk of transiently infected animals transferring the virus to other herds. It pointed out that movements to slaughter are, therefore, low transmission risk but that any other movements, especially those to breeding herds, should only be licensed under exceptional circumstances. It referred to the ROI BVD programme in which some cases of transient infection were still found to be circulating in herds after more than three weeks as justification.
- 3.39. DCNI agreed with the proposal, noting that it is essential to control the potential spread of the disease and would provide incentive for farmers to take the necessary steps to avoid the imposition of herd restrictions. UFU expressed the view that there is logic to facilitate movements beyond the mentioned criteria. In response to the previous question, it had suggested that there are times when it would be appropriate to allow moves of individual animals onto a herd to facilitate ongoing business activities and suggested the movement of a breeding bull as an example.

Consultation Question

Are there any other moves that you think should be allowed out of, or into, a restricted herd?





- 3.40. Most respondents (62%) indicated that they thought there should be other moves allowed out of or into a restricted herd, while seven respondents (33%) did not. One respondent did not answer, indicating that a 'yes' or 'no' response to this question is too strong and that a breeding bull may need to be brought into a herd from a non-restricted herd.
- 3.41. Of those who considered that other moves should be allowed, ten respondents including AHWNI, UFU, AVSPNI and NIVA concluded that the only other moves out of or into a restricted herd should be for welfare reasons which have been considered by a private veterinary surgeon. Eight of these respondents expanded on this reasoning, referring to treatment by a veterinary surgeon as a movement that should be allowed under licence in exceptional circumstances. However, AVSPNI added that no further moves are acceptable if we wish to effectively address the BVD problem in Northern Ireland. Of the seven respondents who responded 'no' to the question, only one provided an explanation, stating that they felt allowing exceptions would be open to abuse.

Department's Response

- 3.42. The Department is pleased that the majority of respondents agreed with its proposals for movements out of and into restricted herds. The Department, therefore, intends to allow movements from a restricted herd directly to slaughter or for disposal as an animal by-product. The Department acknowledges that there may be circumstances where a keeper needs to move an animal in or out of a restricted herd, for example for welfare reasons, to introduce a breeding bull or to bring a replacement calf into the herd if a PI calf has been removed. These movements under licence will also be considered on a case-by-case basis in exceptional circumstances following an application by the keeper.
- 3.43. AVSPNI contended that all movements out of a restricted herd should be subject to additional inspection by DAERA officers. The Department expects that moves out of a restricted herd will be very uncommon and, as noted above, permission will only be granted in exceptional circumstances. If the Department licenses an exceptional move with conditions attached, an inspection will be carried out if there is reason to believe the conditions aren't being met.
- 3.44. The Department notes ten respondents proposed that any moves for welfare reasons should be considered by a private veterinary surgeon. Seven respondents felt that no exceptions should be permitted and one individual raised concern that it would be open to abuse. Departmental officials will be responsible for considering and granting exceptional moves ensuring decisions are consistent between herds and risk is managed appropriately.



IV. *Lifting of restrictions*

Consultation Question

What do you think of the Department's proposals regarding the lifting of herd restrictions?

- 3.45. This was an open question, and 95% of respondents commented. The majority of respondents agreed with the Department's proposals regarding the lifting of restrictions. Five respondents including AHWNI and NIVA, pointed out that transient infection can occur in cattle that were BVD negative at birth and emphasised the need for effort to be made to contain the circulation of the virus from breakdown herds via transiently infected (TI) animals. They noted the importance of BVD positive cattle being isolated promptly after disclosure to reduce the risk of infection spreading. In doing so, they highlighted that although any TI animals that may have been infected via direct or indirect contact with a BVD positive animal, should be clear of infection by the three-week point, it is possible that it could spread from one group of TI cattle to another naïve group. These respondents were of the opinion that herd restrictions should remain in place for a minimum of three weeks, but that four weeks would be preferable from a disease control perspective.
- 3.46. These respondents stressed the importance of ensuring that all untested cattle in a breakdown herd receive a negative test result before the herd restriction is lifted, as these animals may act as an undiagnosed reservoir of infection. AWHNI commented that lifting a herd restriction before a three-week 'firebreak' period and before all cattle have a BVD negative status assigned to them, would significantly undermine the potential disease control benefits of limiting movements of stock from infectious herds.
- 3.47. Although AVSPNI considered the Department's proposals regarding the lifting of herd restrictions acceptable, it suggested that consideration should be given to increasing the time delay in lifting restrictions following PI removal to further reduce the risk of disease spreading via TI animals to at least four weeks. It, and some other respondents, expressed the view that requiring all untested animals to be tested before the restriction is lifted would encourage herd owners to take action to establish the BVD status of all cattle in their herd, including untested imported cattle, all new-borns and those that have had unsuitable sample results returned. AVSPNI referred to what it considered to be significant merit in the ROI approach, which requires whole herd sampling and vaccination of females over the age of 12 months and suggested that the Department should consider implementing this approach now or at a defined future date.
- 3.48. UFU found the Department's proposals logical, adding that 21 days is a reasonable amount of time for the restrictions to stay in place, assuming there is no ongoing transient infection. It also considered it essential that all untested animals are sampled and return a negative test result before restrictions are lifted. DCNI agreed with the proposals, which it felt addressed TI animals.



- 3.49. AHI commented that maintaining herd restrictions for 21 days after the removal of the last virus positive or inconclusive animal would help to minimise the risk of TI animals moving out and enabling transmission to other herds. It added that this is also important to ensure there are no further infected animals in the herd, and that it is, consequently, key that all animals have a negative BVD test result. It shared the experience in the ROI BVD programme which has shown that, in some cases, transient infection may persist beyond 21 days, particularly where the index case (first animal in the herd to receive a positive result) is not removed promptly following detection. It, therefore, considered 21 days to be the minimum period of restriction that should be imposed. It explained that TI animals are most likely to occur amongst the birth cohort of the index case. For this reason, AHI believed that animals under 27 days of age should not be excluded.
- 3.50. Generally, individual respondents agreed with the proposals; only one believed that three weeks was too long and suggested ten days would be a compromise. Other individual comments included that:
- the proposals seemed fair, proportionate and practical;
 - the restrictions could be lifted when animals are cleared or slaughtered.
 - the imposition of restrictions is in the control of the keeper and would not be imposed if the BVD positive animal is removed on time; and
 - the 21-day rule would minimise TI animals moving through markets etc.

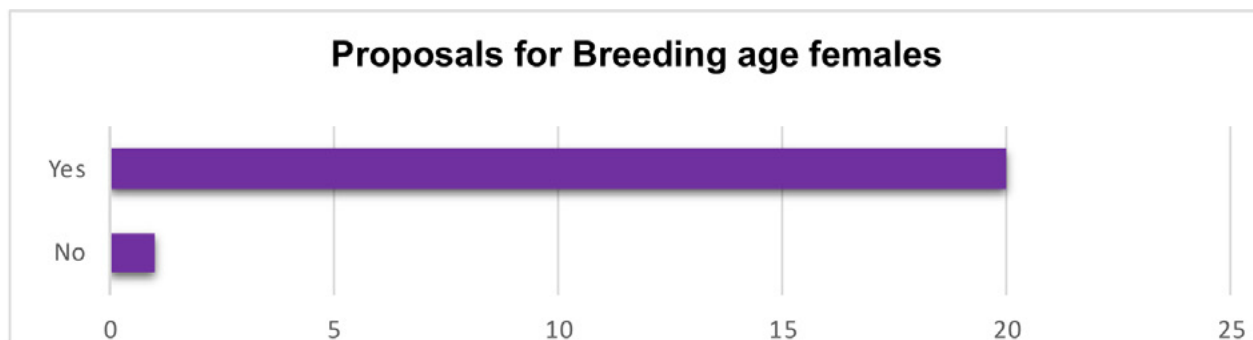
Department's Response

- 3.51. The Department is pleased that respondents agreed with its proposals for the lifting of restrictions, including that any unknown status animals should be tested with a negative result before the restriction is lifted. It has considered the suggestion that the time delay in lifting restrictions following PI removal should be increased to at least four weeks. It is, however, satisfied that three weeks is a reasonable period to allow any transient infection to clear. The Department has also noted AVSPNI's suggestion that NI follow the ROI approach which requires whole herd sampling and vaccination of females over the age of twelve months. This measure may be considered further as part of future BVD eradication measures. The Department notes the AHI view that animals under 27 days of age should not be excluded from testing before a restriction is lifted. However, allowing for the statutory time frame for testing and submission of samples to a laboratory from newborn calves, it is possible that a test result may not be available until they are 30 days old. Therefore, to delay the lifting of restrictions until all younger animals are tested could be considered disproportionate. The Department, therefore, intends to consider testing requirements for animals 30 days or older in the herd at the time when restrictions are due to be lifted.



Consultation Question

Do you agree with the Department's proposal to impose restrictions on breeding age females in the herds restricted because of positive animals?



- 3.52. Twenty respondents (95%) agreed with the Department's proposal to impose restrictions on breeding age females. One respondent disagreed but did not provide an explanation. Thirteen respondents made additional comments, with over 90% of them stating that restrictions on breeding age females is essential in herds where BVD positive animals have been present and is required for disease control. Seven respondents noted that only a small number of herds would be impacted by such restrictions. Another individual respondent reiterated the view that farmers can avoid herd restrictions by removing all positive animals on time, while another noted that pregnant animals exposed to infection play a big part in the prevalence of BVD.
- 3.53. While indicating its support for the proposal to restrict the movement of breeding age females in the herds restricted because of the retention of positive animals, UFU highlighted the potentially significant ramifications that this could have and disturbance it could cause to its members. It, therefore, reinforced the need for there to be clear communication with herd keepers on the implications of becoming a restricted herd before the implementation of any restrictions.
- 3.54. AHWNI, AVSPNI and NIVA and some individual respondents considered it imperative that further restrictions are imposed on breeding age females in restricted herds, given the risk that circulation of virus on the farm could lead to the persistent infection of developing foetuses. These respondents noted that, as no testing options exist to allow the BVD status of a developing foetus to be established directly, the options presented by the Department provide reassurance. They added that, in most dairy and many suckler herds, females over 12 months of age are retained for breeding and production in the herd and that, as such, restrictions on breeding age females in these herds would not significantly affect the farm business. They emphasised that any breeding animal that is tested and does not pass the testing criteria may be regarded as a potential Trojan animal and should not, therefore, be given permission to be moved from the herd. AVSPNI expressed frustration that the Department's IT systems would not be capable of imposing immediate and automatic restrictions on breeding age females until a later date.



- 3.55. AHI noted that there have been several international studies which have emphasised the importance of Trojan cows in the re-emergence of BVD. It referenced the ROI BVD eradication programme which requires herds with positive virus results to retain any females that were in calf at the time of the BVD positive result on their holding until their calves are born and tested. It expressed its view that the Department's proposal would minimise the risk of Trojan cows introducing the virus to other herds.
- 3.56. One individual respondent queried whether breeding bulls should also be restricted, suggesting that they could represent a reservoir of infection for cows and heifers. Another individual respondent suggested that consideration could be given to providing exemptions to vaccinated herds that have a 'Vaccinated Monitored Free' status within the Agri-Food and Biosciences Institute (AFBI) animal health scheme.

Consultation Question

If breeding females are restricted, under what other circumstances, do you consider that restrictions should be removed and why?

- 3.57. This was an open question, and 15 respondents commented. Seven of them, including AHWNI, NIVA and AVSPNI, expressed agreement with the proposed circumstances for removing restrictions on breeding females i.e., the options to test the resulting calf from the pregnancy, establish immunity prior to breeding or establish the lack of exposure of the dam. These respondents suggested that, if a pregnant cow under restriction aborts or produces a stillborn calf, the aborted foetus/stillborn calf should be BVD tissue tag tested, with a negative result, and the dam should be virus tested using a blood sample, which should also return a negative result, before the cow is allowed to move. UFU shared this view.
- 3.58. Nine respondents, including AHWNI, UFU, NIVA and AVSPNI, stated that if there are welfare or veterinary reasons for moving a restricted pregnant animal, the licence should indicate precisely how the animal is to be isolated in any new premises. Seven respondents commented that isolation checks should be carried out regularly by the Department on a risk basis.
- 3.59. AHI was of the view that it would be appropriate to lift the restriction if a female is not pregnant or gives birth to a virus negative calf. Although it accepted that there is no test to establish the virus status of the foetus, it reasoned that the immune status of the dam could be investigated to determine whether there has been exposure to BVDV during the window of susceptibility. It suggested that the restriction should be lifted if the animal is found to be both virus and antibody negative (and, therefore, unexposed to the virus) or seropositive prior to the pregnancy (and, thus, protected during the window of susceptibility).
- 3.60. DCNI suggested that the animals could be moved to an approved restricted facility, like a Tuberculosis approved unit from which the animals could move to direct slaughter in due course. One individual respondent commented that an animal should be allowed to move directly to slaughter. Another echoed this view and also suggested that it might be moved when it has received a negative test result. One other respondent was of the view that welfare reasons should be the only grounds for permitted moves.



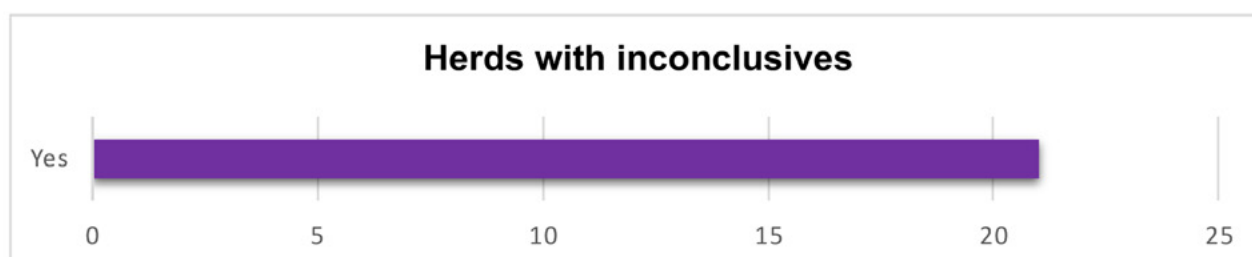
Department's Response

- 3.61. The Department intends to introduce legislation to place restrictions on breeding age females within a herd, which has been restricted because it contained a positive animal. It also considers that any potential Trojan females in associated herds should also be restricted, due to the close epidemiological links with the restricted herd. It is pleased that 95% of respondents recognised the importance of restricting these animals to control the spread of BVD given the risk of them having a PI calf. Having noted UFU's comment regarding the implications of these restrictions for herd keepers, the Department can confirm that it is committed to communicating with keepers in advance of the relevant legislation coming into force to explain the potential impact and encourage them to take prompt action to avoid a restriction being placed on their herd.
- 3.62. The Department has considered the suggestion that breeding bulls should also be restricted and is satisfied that the 21-day period prior to lifting herd restrictions will mitigate the transient infection risk in breeding bulls. It has also considered whether herds which have been vaccinated under the AFBI animal health scheme and have achieved a 'Vaccinated Monitored Free' (VMF) status should be provided with any exemptions. In the unlikely event that a VMF herd has a BVD positive animal, the herd will be subject to the same herd restriction as it is critical to prevent the spread of disease.
- 3.63. The Department acknowledges the frustration expressed by AVSPNI regarding the capabilities of the Department's current IT systems. Those systems have recently undergone a major upgrade and officials are working to have the required functionality in place as soon as possible.
- 3.64. The Department notes that a sizeable number of respondents suggested that any licences granted for exceptional moves of pregnant animals should indicate precisely how the animal is to be isolated in any new premises. It is intended that the risks associated with an exceptional move will be managed by the conditions within the licence. When the keeper applies for a licence, the Department will consider where the animal is moving to and will only approve the licence if satisfied that the risk is being managed effectively. The Department intends that licences will only be issued in exceptional circumstances.

V. *Herds with inconclusive animals*

Consultation Question

Do you agree that the Department should restrict movements out of herds that retain BVD inconclusive animals?

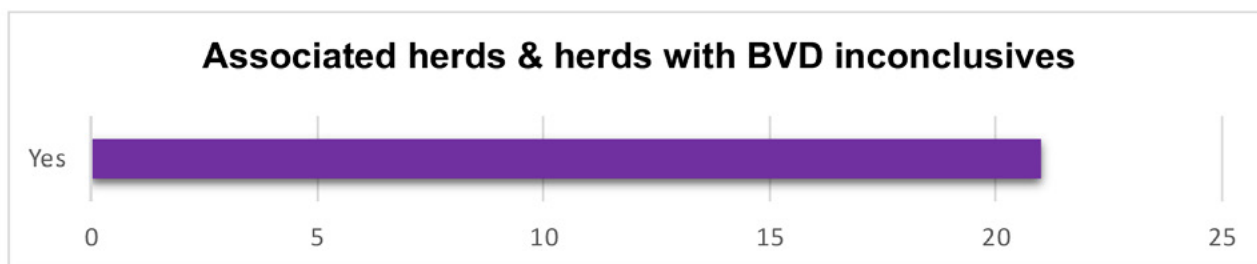




- 3.65. All respondents agreed that the Department should restrict movements out of herds that retain BVD inconclusive animals. Out of the 21 respondents, 13 made additional comments. Eight respondents including AHWNI, UFU, NIVA and AVSPNI noted that the likelihood of a BVD inconclusive animal returning a positive test result is significantly higher than an untested animal. Most of these respondents commented that restricting herds with inconclusive animals would encourage the timely retesting of the animals.
- 3.66. AHI was of the opinion that animals with an inconclusive result can retest positive and pose a risk for the herd. In addition, it highlighted that inconclusive results are evidence of virus circulation and, agreed that herds in which these results are detected should, therefore, be restricted to limit the risk of disease transmission to other herds. While AVSPNI acknowledged that the risk posed by inconclusive animals is likely to be smaller than for PI animals, it indicated that it is still unacceptable and warranted the imposition of restrictions.

Consultation Question

Do you agree that restrictions on herds with retained BVD inconclusives should apply to associated herds?

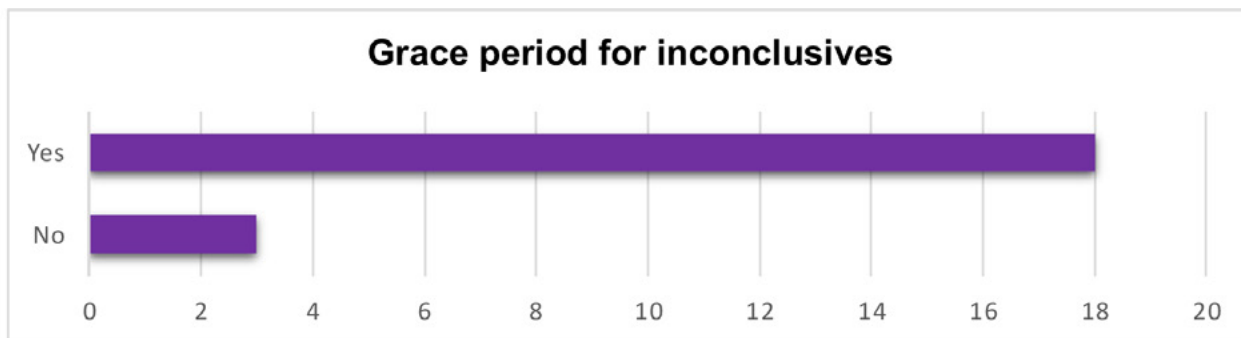


- 3.67. All respondents agreed that restrictions on herds with retained BVD inconclusive animals should apply to associated herds. Out of the 21 respondents, 11 made additional comments.
- 3.68. AHWNI, NIVA and UFU noted that the possibility that the animal with the BVD inconclusive result is infected with the BVD virus makes it appropriate to restrict any associated herds. They emphasised that this was because the herds constitute one epidemiological unit. AHWNI highlighted that the virus could have originated in the associated herd as a further reason for its restriction and for advice to issue to its owners to check for BVD. Another six respondents, including NIVA and AVSPNI, were of the same opinion.
- 3.69. Other supporting comments included that the potential for spreading infection in an associated herd is no different to any other herd and noted that, with associated herds, there is a clear disease risk arising from sharing of equipment, facilities and possible comingling.



Consultation Question

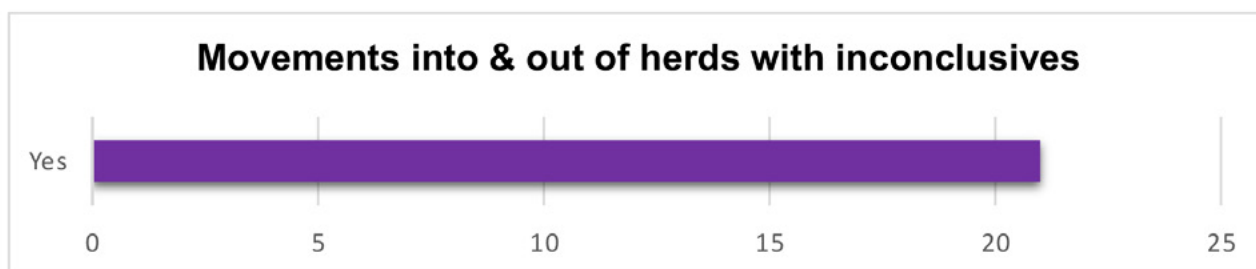
Do you think there should be a 'grace period' before herds containing animals with inconclusive test results are restricted to allow herd keepers time to retest and if necessary, remove PI animals?



- 3.70. Over 85% of respondents agreed that there should be a grace period before herds with BVD inconclusive animals are restricted. Three respondents answered 'no' but did not provide any comment. Out of the 18 respondents that answered this question in the affirmative, 12 made additional comments.
- 3.71. Although AHWNI acknowledged that, from a disease control perspective, herd restrictions should be applied at the point when the inconclusive result is returned, it accepted that providing a period of notice would allow the changes to bed in and allow the farming industry to adapt to them until the policy becomes established. NIVA and two individual respondents expressed the same view. AHWNI emphasised that the aim should be to move to immediate restrictions but, indicated that if a grace period is to be given, then 28 days is the maximum length it should last. This view was shared by six other respondents including NIVA and AVSPNI. UFU considered a grace period essential to give compliant farmers the opportunity to retest animals. DCNI suggested that the actions taken by a farm during its grace period should be supervised by the Department or Private Veterinary Practitioners to ensure that certain animals are removed so as not to pose a risk to other herds.

Consultation Question

Do you agree with the Department's proposals regarding movements in and out of restricted herds because they retain inconclusive animals?

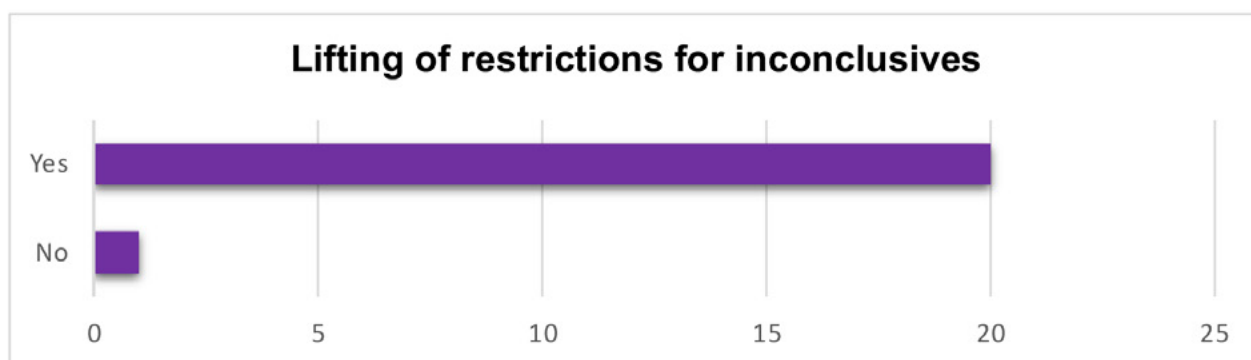




3.72. All respondents agreed with the Department's proposal that no movements should be permitted into or out of herds with retained BVD inconclusive animals, except for the proposed exemptions. Out of 21 respondents, 11 made additional comments. Over 90% of those who commented, including AHWNI, UFU, NIVA and AVSPNI acknowledged that there are times when it would be appropriate to allow particular movements of cattle under licence into or out of a herd restricted because of a retained BVDI animal, such as a breeding bull or a replacement animal or for welfare reasons. They added that these movements should be exceptional and assessed individually before a licence is granted. AVSPNI commented that the process for granting any exceptional licence for movements in these cases should be clearly set down at the outset. It added that all movements must be subject to additional inspection by DAERA officers and rigorous implementation of additional biosecurity and quarantine measures must be undertaken. DCNI emphasised that a precautionary approach is essential.

Consultation Question

Do you agree with the Department's proposals regarding the lifting of restrictions for herds that retain inconclusive animal(s)?



3.73. All but one respondent (95%) agreed with the Department's proposals regarding the lifting of restrictions for herds that retain BVD inconclusive animals. The one respondent who disagreed did not provide an explanation. Nine of those who agreed made additional comments.

3.74. Five respondents, including AHWNI, and NIVA, emphasised the importance of ensuring that any untested animals within a herd receive a negative result before lifting restrictions, given that these animals may be an undiagnosed reservoir of infection. These respondents commented that lifting a herd restriction before a three-week 'firebreak' period and before all cattle have a BVD negative status assigned to them would significantly undermine the potential disease control benefits of limiting movements of stock from infectious herds.

3.75. AHI appeared to suggest that the restrictions might be removed if an inconclusive animal was negative on retest and no other virus positive or inconclusive animals are present within the herd (i.e., the status of all remaining animals in the herd have been determined as BVD negative) as it considered this would remove the risk of disease spread.



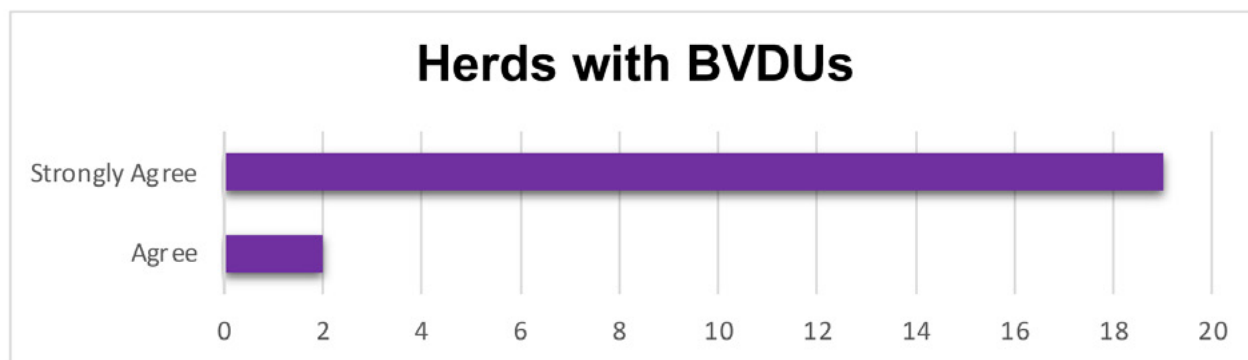
Department's Response

3.76. The Department is pleased that respondents overwhelmingly agreed with its proposals regarding herds containing animals with inconclusive test results. It, therefore, intends to manage restrictions on these herds using the same criteria as those containing positive animals. The Department has considered DCNI's suggestion regarding the supervision of restricted farms but is satisfied that restrictions can be managed remotely in most cases. Its intention is to carry out unannounced visits to monitor compliance on a risk basis.

VI. *Herds with unknown status animals*

Consultation Question

Should the Department be able to restrict herds retaining animals whose BVD status is unknown?



3.77. All respondents were in favour of the Department having the ability to restrict herds with animals whose BVD status is unknown. Over 90% 'strongly agreed' and the rest 'agreed'. Out of the 21 respondents, 13 made additional comments.

3.78. Eight respondents agreed that the Department should have the ability to restrict herds retaining cattle whose BVD status is unknown because of the potential reservoir of BVD infection in these animals and the consequential risk of undiagnosed virus circulating in, and spreading from, the herd. These respondents included AHWNI, UFU, NIVA and AVSPNI.

3.79. UFU encouraged the Department to implement restrictions in respect of herds with BVD unknown (BVDU) statuses using a risk-based approach. It suggested the Department immediately target herd keepers who have not sampled a large number (suggesting 50 or more) of calves but provide leeway to herd keepers who, despite historic compliance with the scheme, may have a small number of BVDUs due to valid management issues. UFU acknowledged that over time there might be a need for more focus on herds with smaller numbers of BVDUs. It also suggested that the Department write to farmers with a small number of BVDUs on a quarterly basis and that it should also communicate in writing to herd keepers prior to imposing herd restrictions.



3.80. DCNI stated that, if the Department's proposal to restrict herds with BVD unknowns was not adopted, then there could be a potential reservoir of infected animals. It suggested that the risk of a restriction should be sufficient encouragement for the herd owner to have his or her animals tested. This sentiment was echoed by AHI which emphasised the importance of the status of all animals being clarified to the progression of the NI eradication programme.

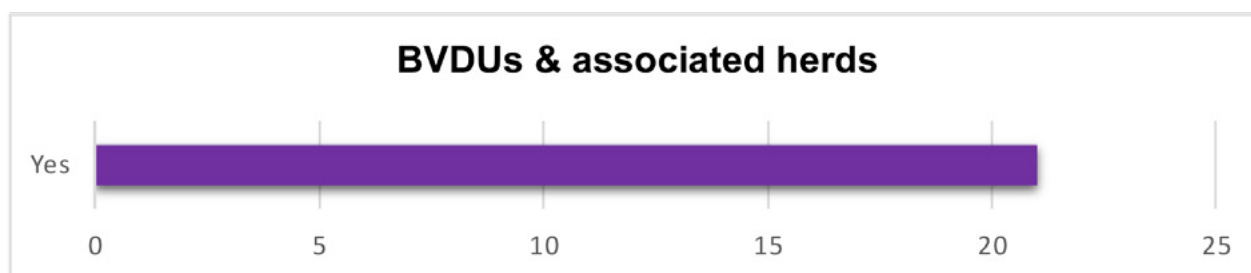
3.81. The supporting comments from individual respondents included that:

- untested animals could be shielding positive animals within the herd; and
- although a simple blood test is all that is needed to get the result, a financial incentive might be required.

Another respondent indicated that they were content to agree with this proposal provided the herd keeper is given time to test animals of unknown status.

Consultation Question

Do you agree that restrictions placed on herds with retained BVD unknowns should also be applied to associated herds?



3.82. All respondents agreed that restrictions for herds with BVD unknowns should also apply to associated herds. Out of the 21 respondents, 11 made additional comments. Most of those that commented referred to the possibility that any untested animal could be infected with the BVD virus. They, therefore, considered it appropriate to restrict any herds associated with a BVDU-retaining herd, noting that both herds formed a single epidemiological unit. Eight respondents including AHWNI, NIVA and AVSPNI highlighted the possibility that the virus could have originated in the associated herd and noted that it is consequently appropriate that it should be restricted, and that advice should be given to test the cattle in it for BVD.

Consultation Question

What criteria do you consider the Department should consider when deciding whether to restrict herds which retain BVDUs?

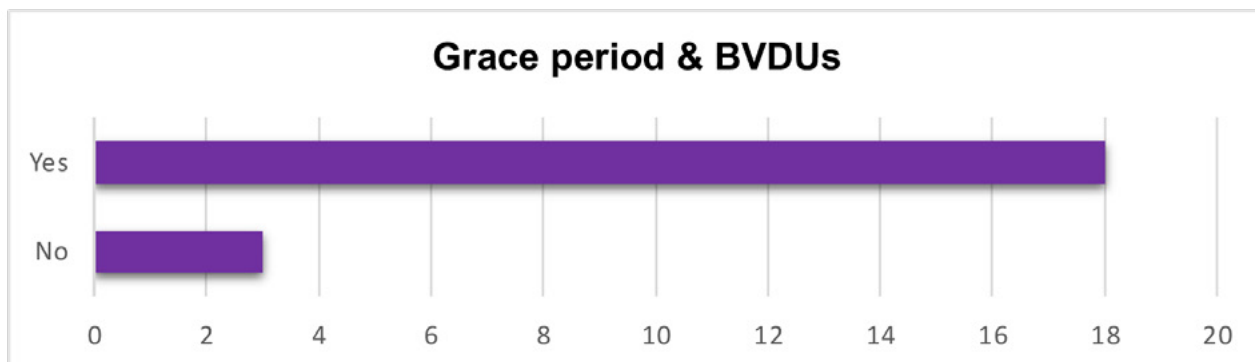


- 3.83. This was an open question, and 95% of respondents provided an answer. Nine respondents were of the opinion that herds retaining BVDUs should be restricted according to the level of risk that they present. AHWNI acknowledged that, from a disease control perspective, all herds that have non-compliant animals should be restricted after the grace period. It noted that any herd restriction applied as a result of animals being present with a BVDU status, could be reversed in a very short space of time and at little cost to the farmer per animal. This same view was expressed by five other respondents including NIVA. DCNI considered that the criteria applied to herds with positive or inconclusive animals should also apply to herds with BVDUs.
- 3.84. UFU commented that every BVDU animal presents a BVD risk but highlighted the greater risk presented by those BVDUs in herds that have had a recent BVD infection (e.g., in the previous two years). Furthermore, UFU recommended that its suggested risk-based approach should be undertaken using the number of BVDUs present that were born in a defined period. AHI suggested that herds with a higher number of older BVDUs could be targeted first, with a particular focus on any herds which have not conducted any testing or have entire year cohorts untested.
- 3.85. Three individual respondents felt that all animals in the herd should be tested with a negative result, with one respondent adding that all animals should be treated as BVD positive until confirmed negative. Other individual views on criteria for restricting herds with retained BVDUs included that:
- BVDUs need to be sorted now, now that we have gone this far, especially the younger animals;
 - consideration should be given to restricting all herds which retain BVDU animals as an incentive to herd keepers to get such animals tested without delay; if the herd keepers act promptly, then the herd restrictions can be lifted swiftly;
 - restrictions should be applied if the BVDU animals haven't been tested within 28 days of the herd keeper being notified;
 - herd keepers should be given a deadline to have all BVDU animals tested, and results returned; if there is non-compliance, restrictions should be applied without exception.



Consultation Question

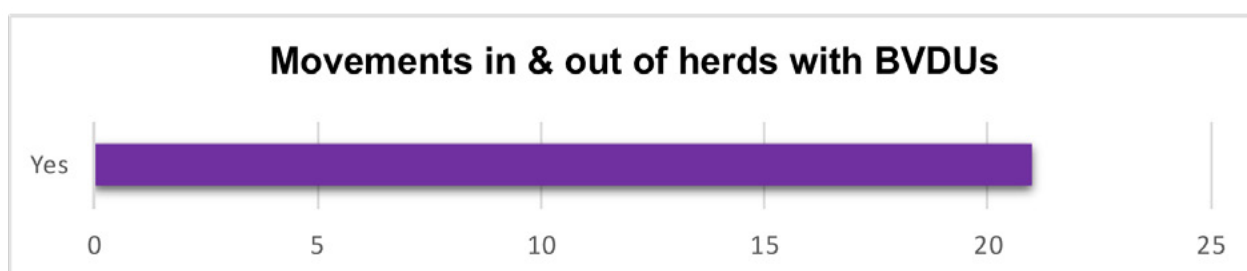
Do you think there should be a 'grace period' before herds retaining BVDUs are restricted, to allow herd keepers time to test and, if necessary, remove PI animals?



- 3.86. Eighteen respondents (86%) agreed that there should be a grace period before herds retaining BVDUs are restricted, and three respondents disagreed. Out of the 21 respondents, 13 made additional comments. UFU, AHWNI, AHI, NIVA and AVSPNI all considered that herd keepers should be granted a grace period to allow them to test the animals before a restriction should be applied.
- 3.87. AHWNI also felt that a period of notice might allow the changes to bed in and the farming community to adapt. It highlighted that the restrictions could be reversed in a very short space of time with little cost to the farmer. It further emphasised that it is in the power of the herd owners to avoid herd restrictions in a BVDU retention situation by ensuring their cattle are tested. Another six respondents including NIVA and AVSPNI shared this view.
- 3.88. Nine respondents referenced 28 days as an appropriate grace period, as they consider that it would provide sufficient time to get animals tested. One respondent raised a potential difficulty for keepers if the restrictions were to be introduced in the summer, indicating that this could mean cows would need to be gathered up from outlying farms. It was suggested, therefore, that the proposal should be introduced in the traditional 'housed' period.

Consultation Question

Do you agree with the Department's views regarding movements in and out of herds restricted because they retain BVDU animals?

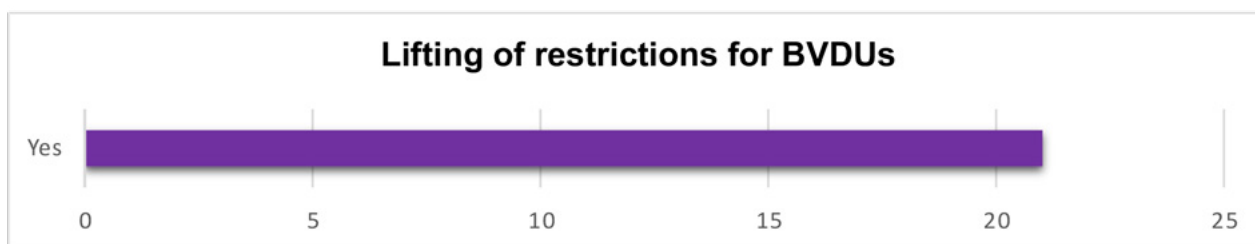




- 3.89. All respondents agreed with the Department's views on movements in and out of herds restricted because they retain BVDU animals. Out of the 21 respondents, 11 made additional comments.
- 3.90. Seven respondents, including AHWNI, NIVA, AVSPNI and UFU considered that herds containing retained BVDU animals should be placed under full restrictions to prevent the risk of BVD infection leaving the herd and moving to other naïve herds. AHWNI, NIVA and AVSPNI expressly recognised, however, that there would be times when it would be appropriate to allow particular movements of animals into or out of a restricted herd. They emphasised that these occasions should be rare and considered on a case-by-case basis before a licence would be granted. AHI also considered that movements under licence should be based on risk and acknowledged that animal welfare may be a consideration for movement. DCNI believed herds containing BVDUs should be treated in the same way as herds containing BVD positive animals.

Consultation Question

Do you agree with the Department's views regarding the lifting of any restrictions that might be imposed on herds that retain BVDU animal(s)?



- 3.91. There was 100% agreement with the Department's proposals on the lifting of any restrictions imposed on herds that retain BVDU animals. Seven respondents including AHWNI, NIVA and AVSPNI stated that restrictions should be lifted when negative results are returned for all BVDUs over 30 days of age in the herd. AHI contended that the restriction should be lifted immediately in the event that all BVDUs test negative.

Department's Response

- 3.92. The Department welcomes the unanimous agreement amongst respondents that herds with unknown status animals should be restricted. It notes that the UFU encouraged the Department to implement restrictions on herds with BVDUs using a risk-based approach as there may be herd keepers with small numbers of BVDUs due to valid management issues and suggested the Department writes to these farmers on a quarterly basis.
- 3.93. Given there are a significant number of herds retaining BVDUs, it is the Department's intention to take a phased approach for introducing restrictions, addressing those herds with the highest numbers of BVDUs initially and gradually reducing the threshold. It is intended to apply restrictions initially (four months after legislation comes into force to afford all keepers an opportunity to get any untested animals tested) to herds with 20 or



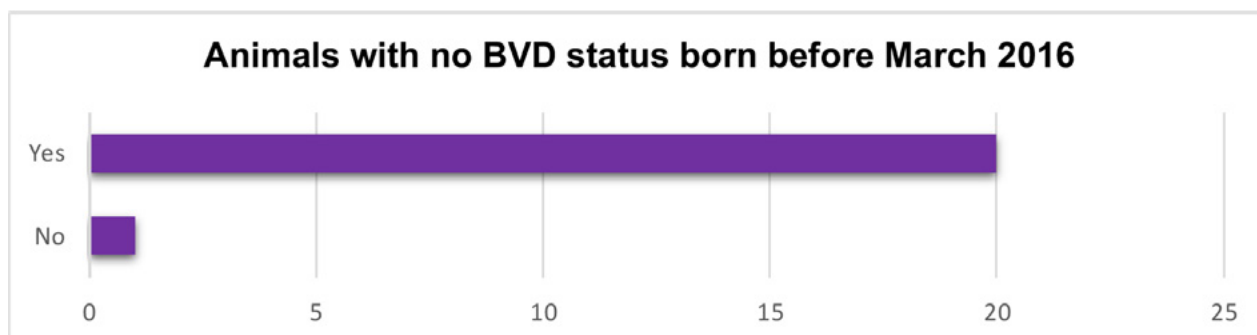
more BVDUs, six months later to herds with 10 or more BVDUs and six months further again to herds with five or more BVDUs. It is not the intention to restrict herds containing fewer than five BVDUs. The risks presented by a very small number of BVDUs in a herd is likely to be small and keeping the threshold before restrictions are applied at five, should ensure a large number of herds are not restricted due to valid routine management issues.

- 3.94. These restrictions will also be applied automatically rather than on a case-by-case basis. When the threshold is 20 and then 10, herd keepers will be informed that there are BVDUs within their herds and if they are not tested, restrictions will be applied after 28 days. However, after 12 months the Department will stop giving herd keepers a notice period prior to restricting herds with five or more BVDUs as this is prohibitively difficult for the Department to manage. The Department intends to communicate the restriction threshold widely through the farming press, social media, NIFAIS etc. At this stage, herd restrictions will be applied automatically if the herd reaches the threshold for restrictions. Once the untested animals test negative, the Department intends to lift restrictions immediately.
- 3.95. One respondent suggested that a financial incentive might be offered to facilitate testing of these animals. At this stage, the Department does not intend to offer financial incentives for testing as it is considered to be in the farmers' interest to test their animals and avoid the potential spread of disease and further financial impact.
- 3.96. The Department notes the suggestion from one individual that restrictions should be introduced in the traditional 'housed' period but is satisfied that keepers will have sufficient advance notice to ensure all untested animals are tested before the legislation comes into force.

VII. Herds with untested "pre-2016" status animals

Consultation Question

Do think that there should be a legal requirement to test those animals born, or brought into a herd, before 1 March 2016, which currently have no BVD status?



- 3.97. A vast majority of respondents (95%) agreed that there should be a legal requirement to test animals born or brought into a herd before 1 March 2016. Out of 21 respondents, 14 made additional comments in response to this question.



- 3.98. AHWNI commented that there should be a requirement for the BVD status of every bovine animal in NI to be established to help stamp out the BVD virus. Another six respondents including UFU, NIVA and AVSPNI agreed with this view. In making its comment, AHWNI explained that failure to require the testing of cattle born before 1 March 2016 would leave a potential reservoir of BVD virus that would prevent eradication of the virus from NI. An individual respondent noted that the number of pre-2016 animals is decreasing with time, and those remaining should be tested.
- 3.99. AHI contended that it is important to establish the BVD status of all animals, commenting that the legislation governing the ROI BVD eradication programme had been amended in May 2020 to make it compulsory to test all cattle, including animals born before 1 January 2013 when the legislation took effect, for the presence of BVD virus. AHI noted that the legislation in that jurisdiction provided an exception for female animals that have had one or more calves, which have been tested (with negative result) for BVD. DCNI commented that animals born or brought onto a herd before March 2016 represent a potential disease risk and considered that a legal requirement to test any of them without a BVD status would ensure that all animals and herds are treated equally.
- 3.100. One respondent disagreed with the proposal, reasoning that if a BVDU animal has a calf that tests negative for BVD, then it can be assumed that the cow must also be negative.

Department's Response

- 3.101. The Department welcomes the support on proposals regarding pre-2016 animals. It, therefore, plans to make it a legislative requirement to test animals born, or brought into a herd, before March 2016 which currently do not have a BVD status. The Department already allocates the dams of negative calves an 'indirect negative' status on its system. This means that most pre-March 2016 female cattle now have an indirect negative status allocated to them. Implementation of the proposal will not place testing requirements on these animals.



4. Impact Assessments

Regulatory Impact Assessment

- 4.1. A number of respondents (43%) made comments on the Regulatory Impact Assessment. Six respondents including AHWNI, AVSPNI and NIVA highlighted that the non-monetised costs for the veterinary profession have not been documented, noting that regular visits to carry out the euthanasia of cattle on clients' farms results in a toll for the veterinary profession. MUDC stressed the importance of the Department considering the financial implications for farmers prior to implementing herd restrictions, adding that stringent and lengthy herd restrictions have the potential to have a devastating impact on many individual farm businesses and livelihoods, as well as presenting a threat to industry overall.
- 4.2. UFU stated that there have been a number of livestock sales to the ROI which had to be cancelled due to the logistical challenges which have arisen as a result of the different disease statuses and the additional BVD requirements for exporting. It suggested that the financial loss of the reduced trade with ROI should be documented. One individual respondent recommended that the impact assessment should reflect the financial impact on those who are compliant with the scheme and who are being held back by a few herd keepers.

Rural Needs Impact Assessment and Equality Screening document

- 4.3. Eight respondents (38%) made comments on the Rural Needs Impact Assessment. All of them referred to the psychological impact of ongoing BVD infections on farmers and their veterinary surgeons, which they felt had not been sufficiently reflected. UFU commented that BVD positive animals appear very healthy to the naked eye despite being a huge reservoir of infection and that getting a veterinary surgeon to euthanise and arrange removal of the animal is emotionally draining and incurs a financial loss. NIVA also commented that they felt the health and mental well-being of veterinary surgeons and herd keepers had not been sufficiently or robustly investigated and to ignore this would be significant potential regret for the industry and all concerned. No respondents had any comments to make on the Equality Screening document.

Department's Response

- 4.4. The Department acknowledges that the toll on both farmers and vets in dealing with BVD is not only financial, but that there is a significant drain on their mental wellbeing. This provides further impetus for the introduction of herd restrictions.



5. Next Steps

- 5.1. Given that the responses to the consultation proposals were resoundingly favourable, the Department is currently working to draft the secondary legislation required to give effect to them. A summary of the proposals can be found at **Appendix D**. At this juncture it is anticipated that the making of the relevant legislation will be considered under the Northern Ireland (Executive Formation etc) Act 2022 and may be subject to the approval of an incoming Minister.



Appendix A: List of Consultees

AI Services Northern Ireland Ltd
Peninsula Veterinary Clinic
Animal Health & Welfare Northern Ireland (AHWNI)
Ulster Farmers' Union (UFU)
Veterinary Northern Ireland (Vet NI)
Association of Veterinary Surgeons Practising in NI (AVSPNI)
Dairy Council for Northern Ireland (DCNI)
North of Ireland Veterinary Association (NIVA)
Animal Health Ireland (AHI)
Mid Ulster District Council (MUDC)
12 Individuals



Appendix B: Respondents by Stakeholder Category

Stakeholder Category	Number
Charities, representative bodies, political parties / elected representatives, local government, and industry comprising:	9
Local Government	2
Farmer Representative Organisation / Industry Body	1
Veterinary Association/Veterinary Medicines	4
Animal Welfare Groups/Organisations	2
Individuals and private businesses comprising:	13
Farm / Farmer	8
General Public	4
Veterinary Practice	1



Appendix C: Breakdown of Responses to each Question

Consultation Question	Yes	No	Not Answered
Do you agree with the proposal to introduce herd restrictions as a disease control measure for BVD in Northern Ireland?	21 (100%)	0 (0%)	0 (0%)
Do you agree that the Department should restrict movements from herds that retain BVD positive animals?	21 (100%)	0 (0%)	0 (0%)
Do you agree that herd restrictions should be applied to all herds that retain positive animals, irrespective of herd size or herd nature?	21 (100%)	0 (0%)	0 (0%)
Do you agree that herd restrictions should apply to herds 'associated' with the herd containing the positive animal, i.e. herds that are kept, managed or housed with the herd that has the positive animal?	21 (100%)	0 (0%)	0 (0%)
Do you think there should be a 'grace period' before herds with positive BVD test results are restricted, to allow herd keepers time to retest or remove PI animals?	18 (86%)	3 (14%)	0 (0%)
If so, do you consider 28 days an appropriate initial 'grace period'?	16 (76%)	4 (19%)	1 (5%)
Do you agree that the 28-day 'grace period' should be reduced within one to two years so that eventually herd restrictions would be applied immediately, following a positive BVD result?	19 (90%)	2 (10%)	0 (0%)
Do you agree that no movements should be permitted into a restricted herd, apart from exceptionally, under licence issued by the Department?	19 (90%)	2 (10%)	0 (0%)
Do you agree that no movements should be permitted out of a restricted herd, apart from moves to slaughter, for disposal as an animal by-product or exceptionally, under licence issued by the Department?	21 (100%)	0 (0%)	0 (0%)
Are there any other moves that you think should be allowed out of or into a restricted herd?	13 (62%)	7 (33%)	1 (5%)
What do you think of the Department's proposals regarding the lifting of herd restrictions?	Open Question		
Do you agree with the Department's proposal to impose restrictions on breeding age females in the herds restricted because of positive animals?	20 (95%)	1 (5%)	0 (0%)



Consultation Question	Yes	No	Not Answered
If breeding females are restricted, under what other circumstances, do you consider that restrictions should be removed and why?	Open Question		
Do you agree that the Department should restrict movements out of herds that retain BVD inconclusive animals?	21 (100%)	0 (0%)	0 (0%)
Do you agree that restrictions on herds with retained BVD inconclusives should apply to associated herds?	21 (100%)	0 (0%)	0 (0%)
Do you think there should be a 'grace period' before herds containing animals with inconclusive test results are restricted, to allow herd keepers time to retest and if necessary, remove PI animals?	18 (86%)	3 (14%)	0 (0%)
Do you agree with the Department's proposals regarding movements in and out of herds restricted because they retain inconclusive animals?	21 (100%)	0 (0%)	0 (0%)
Do you agree with the Department's proposals regarding the lifting of restrictions for herds that retain inconclusive animal(s)?	20 (95%)	1 (5%)	0 (0%)
Should the Department be able to restrict herds retaining animals whose BVD status is unknown?	21 (100%)	0 (100%)	0 (0%)
Do you agree that restrictions placed on herds with retained BVD unknowns should also be applied to associated herds?	21 (100%)	0 (0%)	0 (0%)
What criteria do you consider the Department should consider when deciding whether to restrict herds which retain BVDUs?	Open Question		
Do you think there should be a 'grace period' before herds retaining BVDUs are restricted, to allow herd keepers time to test and, if necessary, remove PI animals?	18 (86%)	3 (14%)	0 (0%)
Do you agree with the Department's views regarding movements in and out of herds restricted because they retain BVDU animals?	21 (100%)	0 (0%)	0 (0%)
Do you agree with the Department's views regarding the lifting of any restrictions that might be imposed on herds that retain BVDU animal(s)?	21 (100%)	0 (0%)	0 (0%)
Do you think that there should be a legal requirement to test those animals born, or brought into a herd, before 1 March 2016, which currently have no BVD status?	20 (95%)	1 (5%)	0 (0%)



Appendix D: Summary of Proposals

- Herd restrictions applied to all herds containing one or more BVD positive animals or animals with inconclusive BVD test results.
- Restrictions will be applied initially 28 days after the keeper has been notified by the Department of a BVD positive test result.
- This 28-day 'grace period' will reduce to seven days after three months and to zero after a further nine months such that restrictions are effectively applied immediately following a positive BVD result.
- Restrictions will be applied to associated herds.
- All movements into or out of restricted herds will be prohibited except for movements:
 - to slaughter of BVD tested animals;
 - for disposal as an animal by-product;
 - under Departmental licence, for example, for welfare reasons or to allow a breeding bull into a herd when considered justified.
- Restrictions will not impact on movements to or from the EU.
- Restrictions on herds that retain positive animals will be lifted 21 days after (a) the last BVD positive animal has been removed from the herd or (b) the last positive animal has re-tested negative. In addition, all animals in the herd (with the exception of untested animals <30 days old) must have a negative status before the herd restriction is lifted.
- Restrictions on herds with an inconclusive result will be lifted immediately on confirmation of a negative BVD result for these animals.
- If testing of animals in the herd without a negative status identifies any further positives, restrictions will remain until 21 days after the removal of the last positive, or if it retests with a negative result.
- Herds which have been restricted due to presence of a positive animal, will have individual restrictions kept on breeding females (aged 12 months and over) for 41 weeks, after removal of the last animal, unless their calves have been born and tested negative or other testing requirements are fulfilled. This will also apply to any breeding females in associated herds. These restrictions will take effect once the Department's computer systems can accommodate them.
- Animals born, or brought into a herd, before March 2016, which currently do not have a BVD status, will be required to be tested.



- Restrictions will be applied to herds containing animals with unknown BVD status (BVDUs). Restrictions will be applied initially (four months after legislation comes into force) to herds with 20 or more BVDUs, six months later to herds with 10 or more BVDUs and six months further again to herds with five or more BVDUs.
- Herd keepers with BVDUs will initially be provided with 28 days' notice before restrictions are applied to allow them to test their animals. Restrictions on herds with BVDUs will be lifted immediately on confirmation of a negative BVD result for these animals.

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