

CONFIDENTIAL
BSE EXPERIMENT

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From: Miss E J Wordley
PS/Minister
Date: 28 June 1994
Room No & Building: 203 WPW
Tel: 270 8709

To: Mr T Eddy - AH(DC) TOL + 1

cc PS/MoS
PS/PS(C)
PS/PS(L)
PS/Perm Sec
Dr E Cottrell
Mr C Capstick
Mr K C Meldrum
Mr M Haddon
Mr G Hollis
Mr B Atwood
Mr K Taylor
Mr D Rossington - BEEF WPW
Mr B Harding - MMP WPE
Mr S Dugdale - INF WPW
Mr R Bradley - VETS CVL

1. The Minister held a series of meetings on 27 June to discuss the latest results from the BSE pathogenesis experiment and their handling.
2. The first meeting was with the Parliamentary Secretary (Commons), Permanent Secretary, Dr Cottrell, Mr Capstick, Mr Meldrum, Mr Atwood, Mr Haddon, Mr Taylor, Mr Bradley, Mr Rossington and Mr Dugdale.
3. Introducing the discussion, you said that the Tyrrell Committee had met over the weekend and examined three things: the pathogenesis study which demonstrated that infective material was found in calves' intestines; the case control study which was examining statistical analysis of cattle born after the ban to see if maternal or horizontal transmission was demonstrated; and, unexpectedly, a paper from Dr Will of the CJD monitoring unit which examined whether there was any correlation between the eating habits of CJD victims. This third paper demonstrated that there was apparently a positive correlation between CJD and lifetime consumption of veal (to a ratio of 13) though it was probable that this was a statistical quirk since the sample was not statistically significant. Tyrrell did not regard it as a significant point, but it was presentationally difficult. The report was due to be published at the end of July.

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4. Discussing the Will report first, the Minister doubted its validity, and said that it would need to be published with very heavy qualifications. Mr Capstick added that the statistical analysis needed to be examined further by another expert. It carried no weight scientifically, but was difficult in presentational terms and needed to be looked at from a layman's point of view. We also needed to examine the quality of the questions which had been asked, and have available information on the consumption of veal, and the position in other countries which were heavy consumers of veal. This point would be followed up.

5. The Minister examined the draft minutes of the meeting of the Tyrrell Committee, and clarification was given on particular points. It was important to be clear that the dose which the calves had received was extremely large, the purpose of the experiment being to show the distribution of the infective agent in tissues. A key point was that in paragraph 8: we did not believe that calves were being exposed to the infective agent in feed now, and there had been no incidence of BSE in cattle born since 1991 (though there were some suspects). On the case control study, the statistical calculations showed that a very small proportion of BABs could be due to horizontal/maternal transmission, but this was in the order of only 0-5%; i.e. the figures could not exclude it, but did not conclusively prove it. The fact that there was a higher proportion of BABs in certain parts of the country, such as East Anglia, could be linked to particular feed mills. This was a factor not properly taken into account in the case control study.

6. Since the Tyrrell Committee had met, you said that further checks had been carried out, and it was clear that the ilium was not used for human consumption in the United Kingdom.

7. The Minister asked whether Tyrrell was likely to have drawn different conclusions had there been more time for preparation. You said that the Committee would like to see the whole pathogenesis study complete, but on the basis of the evidence they would not reach a different conclusion. The Minister noted that the Tyrrell Committee's findings were in fact inconclusive, but this issue would not be looked at by rationally by the public.

8. Mr Meldrum reported on the meeting the previous day with the Chief Medical Officer. He was clearly worried, and believed that we must be ultra-cautious, and was tending to the view that the SBO ban should be extended to include calves' intestines. However, he had asked for more information on their uses and whether they might find their way into the human food chain.

9. The Parliamentary Secretary (Commons) said that it was a serious matter if contaminated material was still getting through as a result of lack compliance with the SBO rules; he had been concerned about this. It was plain from evidence from the MLC that there was a chance that some slaughterhouses were not following the rules properly. Mr Meldrum pointed out that we were tightening up on the application of the rules, increasing the heat treatment for meat and bonemeal; but that in any case if any material leaked out it was going into meat and bonemeal for pigs and poultry. The introduction of a new dye to stain SBOs would be very effective in preventing evasion of the rules.

10. Mr Rossington pointed out that preliminary work done on the effect of a potential ban on calves' SBOs would have a serious effect on the export of calves, and a knock-on effect on the price of beef in the UK and therefore on intervention. He noted that Tyrrell's case was inconclusive and no action was recommended now. The Minister would need to be persuaded

that there was a scientific public health case before taking any action. The Minister said that where public health was concerned, trade was the least important consideration. If the CMO advised that action should be taken, she would have to follow his advice. It was important in any case to look beyond the immediate implications: it would be of no help to the trade if confidence in the industry was lost totally.

11. There was a brief discussion of the legal scope for action. Under the Food Safety Act, there were specific provisions covering what could be done and what had to be taken into account. Mr Atwood said that in order to use the emergency powers, it would need to be clear that emergency action was justified. Moreover, provisions would have to be notified under the Technical Standards Directive. The Minister agreed that the legal point would have to be discussed with the CMO, but legal niceties could not be used to justify lack of action if that was what the CMO recommended. Further examination of how quickly we could act under the legal powers was needed. The Minister noted that, in any event, as far as BSE was concerned, we had always gone a little further than the scientific evidence justified.

12. Mr Meldrum noted that the discussions in the Scientific Veterinary Committee on 1 July were an extra element in the picture. If the Minister did not take action, she could be forced to do so as a result of developments in Europe. The Minister agreed. The minutes of the Tyrrell Committee left the door open to possible action, and in any event, he was not the only scientific adviser, the CMO's views also needed to be taken into account.

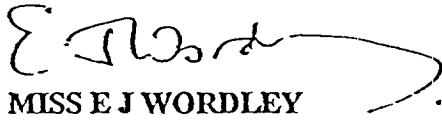
13. Mr Haddon suggested that an SBO ban was not the only possible way forward. Another approach was tighter certification requirements for calves from BSE-free holdings only.

14. The Minister said that if any doubt was cast on the safety of British calves, there would in effect be a *de facto* ban on calf exports because no other Member State would buy them. The question was therefore how best to take the initiative, and this depended largely on the advice of the CMO. Nothing that had been said persuaded her that there was any other course of action. The question was exactly what and how and when it should be done. The Parliamentary Secretary agreed. Protecting public health was the first of MAFF's aims. Whatever happened there was potential for serious impact on trade but this was not an area on which we could should obfuscate, and must take the CMO's advice. We should emphasise that all measures were precautionary.

15. It was considered whether there was any scope for waiting until the evidence from the experiment was complete, but Mr Taylor said that the timescale was quite slow and the whole experiment would not be completed until next May. It was therefore not possible to wait, though we needed to be prepared for the fact that the infective agent might later be found in other tissues.

16. The practical implications of extending the SBO ban to calves would mean removing the offals at source. It would not be a problem to include intestines, though there would be more practical difficulties if spinal cord were included because of the need to split the carcass. The Secretary thought it would be difficult to make any distinction between calves and cattle, and that the full ban would need to apply if at all.

17. It was agreed that further immediate consultations should take place with the CMO and report back to the Minister afterwards. This is recorded in a separate minute.


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BSE EXPERIMENT: MINISTER'S MEETINGS WITH THE CHIEF MEDICAL OFFICER

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- CMO }
- Mr Heppell }
- Mr Bridges }
- Mr McGovern } Department of Health
- Mr Lister }
- Dr Harvey }
- Ms Wilson }

1. The Minister met with the Chief Medical Officer and Department of Health officials on 27 June to discuss the action to be taken in response to the results of the BSE pathogenesis experiment. You and the MAFF officials present at the earlier meeting (recorded separately) were also present.

2. The Minister opened by emphasising the importance of MAFF and Department of Health working together as closely as possible in relation to BSE. The CMO agreed. He thought that the results of the pathogenesis experiment were difficult and sensitive; the science was not complete so there was a degree of uncertainty. This in itself created a potential problem of public

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perception. It was not necessary to make decisions instantly, but they would be needed quickly. However, co-operation between MAFF and DH was excellent.

3. Continuing, the CMO said that the first important statement in relation to the pathogenesis study was that the risks were minuscule and any action taken would be as a result of extreme caution. The study gave new data which indicated that infected tissue could be detected before six months and outside the central nervous system. Although this was a new finding, it was entirely predictable, though the new point was that it could be found under six months. Evidence was that few calves were slaughtered for human consumption at this age in this country, but they were used for meat and bonemeal for the poultry and pig industry, and it was possible, though highly unlikely in practice, that the fat could get into ruminant feed and the food chain. Although this was a potential risk, it was very small indeed.

4. Turning to the case control study, the CMO said that this was not conclusive on maternal transmission, but did not rule it out, and, in relation to horizontal transmission, it was impossible to see what was happening, and the data needed to be examined by an independent statistical group.

5. Thirdly, the study by the CJD monitoring unit into diet which showed a correlation with consumption of veal had been examined by the Tyrrell Committee. The CMO said that the statistics were very weak, and that this was a spurious finding. There was no difficulty from the scientific end, and the data would be examined again carefully before publication of the report, probably in July. However, technically and presentationally, this was a difficult issue to deal with. The Minister said that she disregarded this study, but it would be important for MAFF and Department of Health to work closely together on presentation of the finding when the report was published.

6. Returning to the pathogenesis study, the CMO said that the conclusions of the Tyrrell Committee were limited and it was not clear if action was needed. Paragraph 15 of the draft minutes left the way open if Ministers wished to go further. But he recalled that the Southwood Committee had reported on the science in 1988, but the Government had chosen to go beyond its recommendations to ensure that every action had been taken. The CMO's own preliminary position was that as infectivity had been detected in offal of calves under six months, it may be necessary to ban them; on veal he had no comment; and on beef there was no evidence to change his existing advice. Further discussions were needed before he could reach final conclusions, but time was short if problems at the Scientific Veterinary Committee on 1 July were to be pre-empted. On the science, the CMO commented that there was still a question mark over how the infection was transmitted between the ilium and the brain of the cattle. This could be via the nerves, the lymphatic system, or the blood. Difficulties would arise if at any point it became apparent that the spread was blood borne. This had not been picked up at all, but it was a theoretical possibility.

7. Mr Capstick commented that the dilemma was whether to take a risk now and widen the SBO ban, or to take a risk in the opposite direction and do nothing. He was concerned about the possibility of having to revisit the issue later. If there was a risk that infectivity would be found later in a wider range of tissues, we should go for a wider ban now and apply the full SBO ban to calves. The Secretary thought that the choice was between doing nothing and a fully SBO ban. He doubted whether an intermediate route was possible.

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8. The Secretary noted that the calves in the experiment had been challenged at four months. Was it credible that infected material could be ingested at birth? The CVO said it would have been better if the infected material had been ingested at two months, but it was important to note that veal calves were not weaned, and therefore would not have been exposed to infected feed, though calves slaughtered for other purposes could have taken it in. In the UK, veal calves had to be given roughage and iron, and sometimes received calf nuts, but were not fed ruminant protein. The CMO noted that this emphasised that the risk was minuscule, but he was concerned with remote theoretical possibilities.

9. The timing of any possible announcement was considered. The CMO thought that delay beyond the meeting of the Scientific Veterinary Committee was not a realistic proposition. Once the information was publicly available we would be under pressure to say what we had done, and might have to act in response to media pressure. The Minister said she would consider timing further once she had got a definitive scientific appraisal of the Tyrrell Committee's scientific advice, translated into agreed action. But she agreed that it must be done by 1 July. She noted that any action would inevitably have commercial effects, but these would be far worse if it were badly handled. It would be necessary, however, to present it carefully, emphasising that the professional view was that the risk was minuscule, and setting it in the correct context. It was agreed that any announcement would need to be by written parliamentary answer, supported by statements from the CMO and CVO. The Minister might also brief her Opposition opposite numbers. In addition, it would be helpful to have an explanatory document to place in the Library of the House. EC posts and Territorial Departments would also need to be briefed.

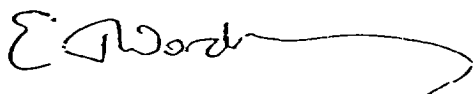
10. Discussion resumed later in the day following official discussions. The CMO reported his conclusions. The decisions reached could be justified on the basis of science. First, for all calves slaughtered between two and six months, intestines and thymus should be removed. There was no scientific evidence to justify removal of spleen, tonsils and spinal cord. For calves under two months going to human consumption, the same conditions should apply, though calves under two months which died on farm would not need removal of intestines and thymus, but if rendered should not be used for human consumption. In addition, it was recommended that as the incidence of BSE fell, the possibility of a BSE-free accreditation for farms might be considered; this would send encouraging signals to the industry. By the next morning the text of a draft PQ and briefing would be available together with a draft statement from the CMO and CVO. Some legal issues still remain to be clarified, but a note would be provided on the legal position and the speed with which action could be taken.

11. The Minister accepted the CMO's recommendations. Discussion turned to the legal position. Further reflection was needed, but it was doubtful that the provisions could be introduced as an emergency measure under the Food Safety Act. This meant that consultation would be necessary, though it could be carried out in a very short timescale. The interim period whilst consultation was carried out presented difficulties, but one possibility was to issue guidelines to slaughterhouses as to the action they must take. A further option was to carry out the consultation in the form of a meeting with interested parties, which could be done very quickly. Definitive advice on this would be provided in the legal note.

12. The Minister asked about the practicalities of removal of intestines and thymus. The CVO said that removal of intestines was easy, but the thymus presented more difficulties since it had to be dissected out. However, since it was regularly extracted for use as sweetbreads, it did not present too great a problem.

13. The Minister welcomed the idea of ongoing work to develop BSE-free holdings. The CVO noted that if this provided an effective way of maintaining trade, it could also be used to reopen trade in bone in beef. It also signalled the fact that the epidemic was on the way down.

14. On timing, the Minister was inclined to think that it would be best to answer the written PQ on Friday 1 July to coincide with the Scientific Veterinary Committee. This should be accompanied by a briefing of the press by professionals, followed by instructions to the industry and a meeting with them. However, she would finalise her views on the timing once she had seen the draft PQ reply. In the meantime, she would consider further how to inform her Opposition opposite numbers. As far as the Territorial Departments were concerned, she would speak to the Secretaries of State, and officials should keep their opposite numbers in touch.



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