

The Bovine Viral Diarrhoea (Scotland) Order 2024

Business and Regulatory Impact Assessment

November 2023

Title of Proposal

The Bovine Viral Diarrhoea (Scotland) Order 2024

Purpose and Intended Effect

The bovine viral diarrhoea (BVD) virus causes a complex of diseases in cattle. The most important of these can interfere with reproduction, affect unborn calves, and ultimately lead to fatal mucosal disease. BVD is mainly spread by persistently infected (PI) cattle which, due to exposure in the womb, are born with the disease. These animals will continuously shed the virus in to the environment throughout their lives, infecting unprotected animals through both direct and indirect contact.

Acute or transient infection of the BVD virus can also cause enteritis. This is usually mild but is occasionally severe enough to cause death, even in adult cattle. Transient BVD virus infection is also associated with significant suppression of disease resistance, leading to outbreaks of other diseases including pneumonia and scours.

The Scottish Government, together with industry, veterinary practitioners and scientific partners, is committed to eradicating BVD in Scotland. Through the BVD Advisory Group we are working together to make sure that BVD in Scotland is eradicated in a way that suits the distinctive nature of Scottish farming.

Since Phase 1 of our BVD eradication scheme was introduced in 2010, the level of BVD exposure in Scottish breeding herds has reduced from 40% to 9%¹.

Objective

BVD is one of the most important cattle diseases for economics, productivity and welfare. Eradicating BVD will help meet Scotland's commitment to a Fairer Scotland and Net Zero by making Scotland's cattle businesses more profitable and sustainable. Scottish Government analysis have shown that by eradicating BVD, the average Scottish farm benefits from an increase of between £2,000 - £14,000 annually, depending on farm type, or £20 - £70/cow/year². By avoiding the need to treat PIs and transiently affected animals we also reduce our reliance on antibiotics, and aid global effort against antimicrobial resistance.

To move Scotland closer to BVD eradication, the BVD Advisory Group have agreed that we should introduce new measures in to the scheme. These include updating how Check Tests are carried out, bolstering the Compulsory BVD Investigation and increasing obligations for non-breeding herds.

Rationale for Government intervention

The aim of eradicating BVD from Scotland fits in to the National Performance Framework National Outcomes relating to economy and environment. BVD eradication will increase the productivity and profitability of Scottish cattle enterprises

¹ [Epic Scotland - BVD monthly summary report](#)

² [Scottish Government Publication - Eradicating BVD: estimating the savings to farmers](#)

by reducing costs associated with the disease such as increased mortality and reduced fertility. This will positively impact Scotland's environment by reducing greenhouse gas emissions per unit output from cattle, reducing in the use of antibiotics, and improving animal welfare.

Consultation

- **Within Government**

The Scottish BVD eradication scheme is an industry-led scheme that is supported by the Scottish Government. The Animal Health Disease Prevention Team has developed these proposals with the agreement of the BVD Advisory Group which includes representatives from Local Authorities and the Animal and Plant Health Agency.

- **Public Consultation**

Through the BVD Advisory Group, these proposals have been developed in partnership with representatives from the livestock industry, veterinary profession and science sector.

A public consultation on the proposals will run for 12 weeks from 15 November 2023 to 7 February 2024.

- **Business**

Through BVD Advisory group, we have engaged with representatives from the cattle industry, including:

- the National Farmers' Union Scotland, who represent 9,000 farmers, crofters and growers across Scotland;
- The Institute of Auctioneers and Appraisers in Scotland, who represent the interests of livestock markets, valuers and auctioneers across Scotland;
- representatives from Quality Meat Scotland, whose internationally recognised and approved assurance schemes cover over 90% of livestock farmed for red meat in Scotland.

Representation from vets and laboratories and comments from the advisory group were sought at each stage of consultation creation.

We will also ensure that a number of representative industry groups who may have an interest in the proposals are sent a link to the consultation.

Options

Two options were identified:

Option 1 – No change – Remain in Phase 5 of BVD Eradication

This option would not introduce further legislation and instead relies on the current Bovine Viral Diarrhoea (Scotland) Order 2020 (BVD Order) and industry desire to eradicate the disease.

Option 2 – New legislation - Proceed to Phase 6 of the BVD Eradication Scheme

This option would amend the current BVD Order and would introduce additional controls that would:

- Introduce minimum proportion testing for the BVD Check Test
- Reduce the Compulsory BVD Investigation (CBI) compliance period
- Introduce veterinary certification after CBI
- Increase the consequences of CBI non-compliance
- Incorporate BVD compliance in to single farm payments
- Increase testing for calves of animals purchased in-calf (“Trojan cows”)
- Delay BVD Positive herd restrictions
- Continue no compulsory slaughter of PIs
- Introduce more obligations for non-breeding herds

Sectors and Groups Affected

This will mainly affect cattle businesses in Scotland. It will require those with breeding herds to continue to test and declare the disease status of their herd. Those breeding herds with a long-standing “not negative” herd status will face additional testing requirements to investigate the cause of BVD exposure in their herd. There may also be impacts on testing laboratories and veterinary practices through greater demand for their services.

Benefits

Option 1

Option 1 would see cattle farmers continue to comply with the current phase of the BVD Eradication Scheme. It would continue to require all breeding herds in Scotland to have a BVD disease status, impose movement restrictions on animals that could spread disease, thus protecting the national herd.

The eradication of BVD supports the reputation of Scottish produce for high quality and excellent welfare standards.

This option also benefits the environment as the BVD free portion of the national herd would have increased efficiency and reduce the greenhouse gas emissions per unit of output.

Option 2

Option 2 gives the same benefits as Option 1 but also has additional benefits as elements of the eradication scheme would be strengthened, making BVD eradication

in Scotland more achievable.

Introducing minimum proportion testing for the BVD Check Test would promote more representative sampling, allowing more accurate testing and identification of infected animals that may be missed under the current BVD Order.

Reducing the Compulsory BVD Investigation (CBI) compliance period, introducing veterinary certification after a CBI, and increasing the consequences of CBI non-compliance should keep cattle keepers more focused on CBI compliance, ensuring that they complete the required BVD testing in a timely manner, which should reduce the number of on-going and new BVD infections in Scotland.

Incorporating BVD compliance in to single farm payments would recognise the hard work that keepers undergo to meet BVD requirements. It would also help bring all herds in to compliance by providing a stronger incentive to comply with the scheme.

Increasing testing for calves of animals purchased in-calf (“Trojan cows”) would ensure that the impacts of any PIs on previously BVD-free herds would be reduced, ensuring that outbreaks are dealt with quickly and the number of additional PIs born is reduced.

Delaying BVD Positive herd restrictions would reduce unnecessary calf euthanasia.

Continuing no compulsory slaughter of PIs would help minimise risk of fraud, ensuring that the scheme remains robust.

Introducing more obligations for non-breeding herds would ensure that animals that are born or test positive on these holdings are treated in a way that minimises disease spread. This would also ensure parity between different types of cattle enterprise, minimising the movement of high risk animals between holdings and the likelihood of spreading BVD.

Costs

Option 1

The current BVD requirements for breeding herds require testing of either a small number of cattle, or all calves born on to the holding.

Farmers with a “not negative” herd status wishing to investigate their herd’s status have two testing options available to them, either to individually test all animals in their herd or test all calves born. Animals in a “not negative” herd can only move out of that herd if they have an individual BVD negative status from a test result or from giving birth to a BVD negative calf.

Tissue tag testing individual animals costs approximately £3.50 to £5.50 plus the keeper’s time to tag animals and post the samples to the laboratory. Blood testing individual animals costs approximately £4.50 to £7.00 plus vet call out fees and the keeper’s time in handling the animals. There can be a small reduction in cost per head when testing multiple animals.

Option 2

Option 2 would incur the same baseline costs as Option 1. The proposals would also involve some additional costs for new testing requirements. By requiring a representative check test, some holdings will have to increase their testing regime.

If non-breeding herds were required to have the same controls as breeding herds, this would result in the need to test animals without a status that move off non-breeding herds, but not to slaughter e.g. non-breeding to non-breeding herd moves. This represents approximately 1,000 animals per year, and would cost the industry a total of £3,500 and £5,000 to individually test each animal. However, cattle that move to non-breeding herds are already required to have an individual Negative or low-risk status. Therefore they would keep this status in their new holding, and not all of these animals would require testing.

Regulatory and EU Alignment Impacts

Intra-UK Trade

Each of the developed nations has its own approach to BVD eradication. Animals without an individual BVD status bought in from outwith Scotland are categorised as high risk. Currently this does not have an impact on non-breeding herds. However, the policy proposals would require that an individual BVD status for bought-in high risk animals would be required on more holdings. This would result in a small additional cost per purchased animals that required testing. The proposal to test calves of “Trojan cows” would also incur a small testing cost. This may cause some cattle keepers to choose against purchasing high risk animals (mostly found outwith Scotland). However, as these requirements are already in place for breeding herds, we do not believe that this would have a significant impact on trade.

International Trade

These measures are unlikely to impact on international trade.

EU Alignment

The policy proposals are unlikely to impact on the Scottish government’s policy to maintain alignment with the EU.

The overarching aims of Scotland’s BVD Eradication Scheme aligns with the EU’s goal of BVD-freedom. However, Scotland’s scheme has been designed to suit the distinctive nature of Scottish farming and therefore is unable to meet the EU’s definition of BVD freedom at this time.

By requiring non-breeding herds to have more obligations, we move closer to aligning with the EU’s animal health regulation definition of a BVD eradication scheme.

Scottish Firms Impact Test

Through the BVD advisory group we have spoken to representatives of cattle keepers across Scotland and co-developed the proposals. As all cattle keepers are business owners, and the consultation will be sent specifically to industry stakeholder organisations for distribution, the consultation will capture the views of businesses. The views expressed will be reported in this section in the final BRIA.

Competition Assessment

The proposals will positively impact competition as increasing the requirements of non-breeding herds will bring them in to alignment with breeding herds. This means that more cattle keepers will be subject to the same testing requirements.

“Not negative” herds will face higher costs to eradicate the disease from their herd but these are the herds that will benefit most from BVD eradication.

Due to mandatory BVD requirements, Scottish cattle farmers will face testing costs that are not mandatory in England and Wales. However, Scottish farmers will benefit from healthier, more productive cattle that produce less greenhouse gasses per kg of output than untested herds elsewhere in Great Britain. This will make the Scottish industry more efficient and competitive. In some markets there will be a competitive advantage in selling cattle with a BVD free status.

Requiring proof of on-farm deaths for BVD Positive animals and continuing no compulsory slaughter of PIs would help minimise fraud risk in the scheme, ensuring that the scheme remains robust and competitive.

Consumer Assessment

Through these proposals we are continuing to protect consumers by maintaining the high health status of the national herd. By maintaining a high level of herd health, we keep a high level of efficiency in production. This means that there are lower levels of greenhouse gasses and feed costs for kg of output. This allows lower final prices to consumers and helps to achieve lower emissions. By promoting higher levels of herd health, we also reduce the need for antibiotics on farm, contributing to the global effort to combat antimicrobial resistance. This lowers the cost of milk and beef production and protects human health.

Test Run of Business Forms

No changes are proposed to the current requirement for businesses to report the following to the Scottish Government (reports are held on ScotEID on behalf of Scottish Ministers). However, more businesses will be required to complete these. The information required is:

- The county parish holding number (CPH);
- The date when the samples were taken;

- The date of the test;
- The testing laboratory;
- The method of screening used; and,
- The overall result for the herd.

No new forms for business will be introduced from these proposals.

Digital Impact Test

Anticipated use of EID in cattle will assist cattle keepers with record keeping and therefore with BVD compliance. This will make testing requirements and record keeping easier in the future. Scottish ministers are expected to consult on this matter shortly.

Legal Aid Impact Test

The proposal is unlikely to have an impact on the legal aid fund.

Enforcement, Sanctions and Monitoring

Local Authorities are responsible for enforcing the BVD Order with co-ordination from the Animal and Plant Health Agency (APHA) who are responsible for issuing any breach letters.

Criminal offences are being created, although these are in line with the current BVD Order, which is made under the Animal Health Act 1981. The maximum penalty is a fine and two years' imprisonment.

A database operated by ScotEID lists the BVD status of all Scottish breeding herds and any individual animals that have been tested by an approved BVD testing laboratory, allowing the disease exposure, incidence and location to be monitored.

Implementation and Delivery Plan

Phase 1 farmers volunteered to test the BVD status of their animals and report the results to the Scottish Government from 1 September 2011.

Phase 2 required cattle breeding herds to be screened for BVD by 1 February 2013 and annually thereafter.

Phase 3 brought in control measures that placed restrictions on movement and sale of BVD positive animals, restrictions on untested herds/animals and required a herd's status to be declared before sale from 1 January 2014.

Phase 4 brought in further control measures on "not negative" herds, reduced testing options, a requirement to test replacement animals from untested herds and created an assumed negative status for dams of calves that have tested negative. Phase 4 was implemented on 1 June 2015.

Phase 5 increased further the pressure on “not negative” herds, especially those that did not remove PI animals from their herd, brought in compulsory BVD investigations, and increased movement restrictions. Phase 5 was implemented on 1 December 2019.

Phase 6, the proposals we are consulting on, will update how Check Tests are carried out, increase Compulsory BVD Investigation controls, and increase measures for non-breeding herds. We expect this to come into force in December 2024.

Post-implementation Review

The official database is operated by ScotEID on behalf of Scottish Ministers. It contains the disease status of all the herds in Scotland. This is updated continually with the results of BVD tests. The data held on ScotEID allows BVD exposure and incidents to be monitored and therefore provides the necessary tools to determine whether the policy is having the desired effect.

Summary and Recommendation

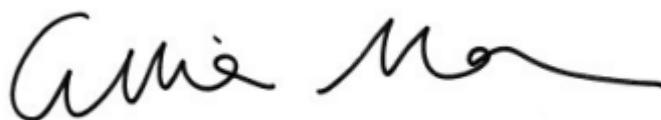
- **Summary costs and benefits table**

Option	Total benefit per annum: - economic, environmental, social	Total cost per annum: - economic, environmental, social - policy and administrative
1	<p>Eradication of BVD would enhance Scotland's reputation for good animal welfare and high quality products.</p> <p>Increased efficiency of disease free herds will reduce the intensity of greenhouse gas emissions generated by beef and milk production.</p> <p>Only breeding herds would have a known disease status, updated annually: beneficial to potential buyers.</p>	<p>Eradication of BVD is estimated to benefit farms by around £20 - £70/cow/year. After BVD eradication, herds could benefit by £2,000 to £14,000 per year depending on herd type.</p> <p>Cattle keepers face an annual testing cost, which can be as low as £3.50 per head.</p>
2	<p>Eradication of BVD would enhance Scotland's reputation for good animal welfare and high quality products.</p> <p>Increased efficiency of disease free herds should reduce the intensity of greenhouse gas emissions generated by beef and milk production.</p> <p>All breeding herds would have a known disease status, updated annually: beneficial to potential buyers.</p> <p>Virus positive animals in non-breeding herds would be isolated from the rest of the herd, reducing the risk of spreading the disease.</p>	<p>Eradication of BVD is estimated to benefit farms by around £37/cow/year. After BVD eradication, herds could benefit by £2,000 to £14,000 per year depending on herd type.</p> <p>Cattle keepers face an annual testing cost, which can be as low as £3.50 per head.</p> <p>Cost of approximately £3,500 to £5,500 to the industry to test animals without a status that move off non-breeding holdings, but not to slaughter.</p>

Declaration and Publication

- **Sign-off for Partial BRIAs:**

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.



Signed:

Date: 24 October 2023

Minister's name: Gillian Martin

Minister's title: Minister for Energy and the Environment

Scottish Government Contact point: Nathan Liddle



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