

Written submission to the EFRA Committee, Animal and Plant Health Inquiry

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This submission is made in response to a statement from Defra's press office on 13th February 2025, entitled: Inaccurate reporting on foot and mouth disease controls. <https://deframedia.blog.gov.uk/2025/02/13/inaccurate-reporting-on-foot-and-mouth-disease-controls/>

The media coverage to which the Defra statement refers, stems from the oral evidence session held by the EFRA Committee on 4th February 2025 and the numerous media articles which have arisen since.

I was one of three experts giving evidence to the EFRA Committee session on 4th February. Others were Lucy Manzano (Dover PHA) and David Smith (Border Force).

In order to challenge Defra's 'inaccurate reporting' allegation, I believe it is now critical to spell out the timeline of events which demonstrate that the advice given by me and Lucy Manzano was, in fact, accurate and that it did take 6 days for controls to take effect and that in the meantime, diseased meat was able to enter the country.

I have also used this opportunity to provide additional comments. All views are my own and have been informed by my professional experience and my working relationships with numerous port health authorities at BCPs and with inland local authorities.

Defra's words below, as taken from the 13th February statement, are in **blue**. My response is in **red**.

Our strict controls are designed to protect our borders from disease incursion, and we have taken the most stringent action possible to protect our farming sectors. On the specifics of the reporting, which are based on claims around IT systems updating, let's be clear:

- On 10 January 2025, Germany notified the World Organisation for Animal Health (WOAH) of a confirmed outbreak of Foot and Mouth.
- On the same day, Port Health Authorities (PHAs) and Local Authorities (LAs) were requested to immediately hold impacted consignments at Border Control Posts. **This is misleading.**

This is the wording of the request made by Defra in its email of 17:42 on 10th January, which was rather less urgent in nature than 'requested to immediately hold.' Equally, there was no further instruction or advice given by Defra regarding

what the next steps should be; as a biosecurity issue, this would normally mean destruction. Simply placing units on hold places Port Health Authorities (PHAs) and local authorities (LAs) at the BCPs in a very difficult position with highly perishable and valuable consignments:

- 10th Jan @ 17:42hrs email from DEFRA indicating loss of FMD disease free status in Germany – “We are working to put appropriate measures in place to restrict imports of affected animals and products, but in the meantime we should be grateful if you would hold any consignments of the following commodities from Germany:
- live ruminants and porcines
- ruminant and porcine germplasm,
- untreated meat from ruminants and porcine animals,
- meat products from ruminants and porcine animals that have not been subjected to a specific treatment (*my note – specific treatment not specified*)
- untreated dairy and dairy products,
- untreated animal by-products from ruminants and porcines,
- hay and straw

An OVS note will be issued as soon as possible next week.”

- Also on the 10th, Defra issued communication to traders notifying them of these controls and worked with individuals that had consignments held at points of entry. **This is misleading.**
 - Defra emailed a small proportion of importers in comparison to the total number of import businesses affected and potentially importing FMD related products.
 - The wording contained in the e-mail Defra sent to trade consisted of two sentences which simply informed the trade that FMD had been detected in Germany and EHCs would no longer be certified. It is questionable how this comms constitutes notifying the trade of controls.
- We issued a clear and immediate direction to PHA’s to check and hold suspected consignment. **This is misleading.**

There was no ‘clear and immediate direction,’ just this:

- 10th Jan @ 21:10hrs email sent on behalf of DEFRA Deputy Director to PHAs notifying of change in status of German origin live ruminants and animal products derived from such animals. There were no other instructions other than to confirm that relevant EHCs cannot be signed and “no more meat from susceptible animals can come to us.” Despite the e-mail identifying personal imports being the risk pathway of highest risk and referencing safeguard measures which had been agreed to be brought in, no further advice was provided on how to proceed with personal

imports. As of 27th February, no contact had been made with Dover PHA directly regarding this route of entry or the action required.

- Following established processes, the department worked quickly to develop and issue guidance for traders and PHAs on safely importing relevant German commodities to support trade. Defra was in continuous contact with the German authorities about the impacted FMD zone. **This is misleading.**

This is the actual timeline of communications over the next few days, up until 16th January, late in the day, when IPAFFS was finally updated to enable 100% holds on relevant commodities. **Therefore, during the period of 10th to 16th January, FMD-related goods were able to auto-clear, TODCOF was not switched off or overridden, as implied.**

- 11th Jan onwards – multiple PHA requests were submitted seeking help on interpretation regarding which commodities were or were not subject to control, which heat treatments were deemed acceptable to permit entry, the need for inland referrals, what legislation to use for rejection, etc.
- 12th Jan – first version of Q&A advice document issued by DEFRA to summarise position and provide some guidance to PHAs in specific circumstances, heat treatments, groupage loads, etc – updated on subsequent days. The Q&A email was marked *NOT FOR CIRCULATION BEYOND PORT HEALTH STAFF.* Therefore, no information/detail was provided to trade at this stage, despite them being urged to take action. Q&A document advises that consignments accompanied by EHCs signed in good faith to be held at BCPs for now *“where possible”* and *“urge traders not to put this product into the GB supply chain.”* No guidance was given for PHAs on what to do with consignments which had already left the BCP and what action to take. The document states “Defra will want to trace and remove products which originated close to the outbreak in a timeframe where FMD infection or contamination is possible.” It is unknown what tracing and removal of these products occurred post entry.
- 14th Jan @ 11:45 Defra PHA Forum. The PHAs request clarification from Defra as to what action to take on detained consignments and which enforcement notices to serve. Defra unable to answer and say this is something they need to look into. Defra is asked if there will be any changes to TODCOF to prevent cases from auto clearing. Defra say they are looking into what they can do.
- 14th Jan @ 12:14 Communication sent out to trade – this is the first e-mail sent since 10th Jan where businesses are asked to suspend imports of impacted products from Germany whilst the German authorities investigate the outbreak.
- 14th Jan @ 13:13 First OVS note (25/02) issued on FMD situation, indicating UK Office for SPS Trade Assurance amended UK’s 3rd Country listings to reflect restrictions on German origin animals and products on 13th Jan.

- 14th Jan @ 13:30 Defra Business Readiness Forum. Defra provides FMD update to the trade.
- 14th Jan @ 16:35 DEFRA sends comms to trade on imports of non-harmonised animal by-products and display items from Germany.
- 14th Jan @ 18:47 DEFRA e-mail to PHAs with updated Q&A briefing. Further reference is made to Defra wanting to trace and remove products that have already entered the GB supply chain.
- 15th Jan @ 14:34 E-mail sent to trade from Defra with an FMD update. Included details on Defra webinar on Germany FMD - 16 January 11am.
- 15th Jan @ 16:00 Association of Port Health Authorities meeting attended by PHAs and Defra. PHA raised concerns around loads which have entered GB, by-passed the port and gone inland. Defra confirm they are aware of situations where this has happened.
- 15th Jan @ 16:26 – OVS note 25/04 issued implementing restrictions on personal imports of relevant meat and dairy products, following SoS Declaration that such imports are considered to be a serious biosecurity risk. It is important to note that illegal personal imports of food are a Customs responsibility and their resources devoted to this task are scant at best, non-existent at worst. Customs do not proactively seek illegal personal imports of food; rather it is found as a consequence of looking for other types of contraband. At Dover, Defra provides a small amount of funding (sufficient for 20% coverage) for Dover PHA to work alongside Customs, looking exclusively for illegal personal imports of food. There is currently no other funding for this work at any other BCP in GB.
- 15th Jan @ 16:43 – email from Issues Resolution Team at BBTP indicating changes to IPAFFS and CDS would be implemented and anticipated to be in place around 2100 that evening.
- 16th Jan @ 11:00 Defra hosts Biosecurity Borders and Trade Programme FMD Webinar. Due to last one hour. Finished 15 minutes early with lots of questions left unanswered.
- 16th Jan @ 11:03 - e-mail received from Defra with two documents attached i) NCH (National Clearance Hub, HMRC) and Waiver Codes and ii) FMD PHA note ref CDS and risk engine. The accompanying e-mail provides no narrative surrounding the accompanying documents. The NCH and Waiver Codes document suggests some CDS declarants have been trying to import restricted commodities using Waiver Codes (i.e. without notifying goods on IPAFFS) and outlines what NCH should do in the event that this happens. The FMD PHA note re: CDS and risk engine document informs PHAs there have been changes to the IPAFFS risk engine and CDS Customs holds which will take effect on 15 January.
- 16th Jan – indication (not confirmation) at DEFRA’s PHA forum that measures were not yet in place on IPAFFS / CDS. **Email later the**

same day from PHA Engagement Team confirming that changes had been successfully loaded into IPAFFS for 100% inspection rate on relevant commodities. This is 6 days after FMD restrictions in Germany were announced. Note that there was still no commodity list provided and no mention of CDS changes for default customs holds.

- 16th Jan @ 16:26 Defra e-mails with OVS Note 2025/04 – ‘Personal imports of products from FMD-Susceptible animals from certain third countries and territories.’ This is the first official correspondence sent out to PHAs on personal imports since the FMD outbreak was announced on 10th Jan when Defra’s e-mail identified personal imports as being the risk pathway of highest risk.
- 16th Jan @ 17:56 Defra sends first comms to trade providing details on personal import restrictions.
- 21st Jan @ 11:45 Defra PHA Forum, attended by PHAs. Defra informs PHAs that they are aware of increased occurrence of consignments not turning up at BCPs when they should be. Defra is asked by PHA about TODCOF and what to do about those goods which entered before the changes were made to IPAFFS.
- 24th Jan @ 15:00 Meeting with Chief Veterinary Officer (CVO) and PHAs to provide update on import controls. Recognition that illegal commercial and personal imports of certain products pose a particularly high risk, impaired by limited capacity by Border Force. CVO admits seizures generally take place as part of Border Force’s wider border processes work rather than via proactive checks.
- CVO informs PHAs that enforcement guidance was issued to BF on 15 Jan. **To note: PHA’s I am in contact with received no such guidance.**
- CVO recognises limited capacity available at Sevington to store detained loads due to increased numbers of consignments being detained.
- PHA’s informed that branded posters are being developed for ports and airports to support messaging regarding personal import restrictions. To note: PHA’s say that these have not been provided.
- Recognition that there is a risk that susceptible animal commodities from Germany circulating within Northern Ireland may move into GB under unfettered access.

- **A Defra spokesperson said:**

"The government will do whatever it takes to protect our nation’s farmers from the risk posed by foot and mouth disease. That is why restrictions were immediately brought in on animal products from Germany to prevent an outbreak.

"We ensured that auto-clearance facilities were superseded by robust biosecurity controls which were implemented at pace following confirmation of the outbreak."

In summary:

1. Defra's statements that 'restrictions were immediately brought in' and 'implemented at pace' and 'we have taken the most stringent action possible' are simply not an accurate representation of what has occurred, in reality.
2. The statement 'would be grateful if PHAs could hold any relevant consignments' was made in the full knowledge that TODCOF auto-clearing was still in place and therefore PHAs would have extreme difficulty (if it was possible at all), in holding relevant consignments and stopping them from auto-clearing.
3. FMD susceptible products were continuing to auto clear via TODCOF/IPAFFS until 16th January. That is six days after FMD was confirmed in Germany. Thus goods at risk of carrying FMD were permitted to enter GB during this time. This is not the fault of the LAs and PHAs at the BCPs who were powerless to change it. This fact, coupled with the impact of late notifications being made (an increasing problem whereby traders are notifying days, weeks or even months late and despite this, goods are auto cleared without checks), is hardly 'the most stringent action possible.'
4. The design and implementation of BTOM is fundamentally flawed. It has entirely focused on the Short Straits to keep trade moving and not with biosecurity at the fore. Thus, the centrally controlled auto-clearing by TODCOF/IPAFFS keeps things moving at Dover and simultaneously keeps the doors open at all other GB entry points, too. Even if these other GB entry points are capable of carrying out appropriate biosecurity checks.
5. During the meeting on 24th Jan, the CVO described the UK's control measures in the event of an outbreak. GB's robust contingency plans were referred to that manage the risk and the Foot and Mouth Disease Control Strategy for Great Britain (2011) was referenced. To note: this document describes how FMD can spread and specifically states "Airbourne spread of the virus can also occur and, under favourable climatic conditions, the disease could spread several miles by this route."
6. The recent, acute FMD situation has exposed the flaws in the current system, exacerbated by the general approach by DEFRA throughout the EU Exit process and the development of BTOM, in that PHAs/LAs at the BCPs are not routinely consulted as the main frontline delivery partner alongside DEFRA, APHA and the FSA. Developments and guidance are often not backed up by official communications, sometimes little more than a hint or suggestion on a group Teams call is all that's provided. Sometimes these developments are identified upon discovery – little developments and tweaks to IPAFFS appear without warning.

7. Therefore, when PHAs/LAs at the BCPs do 'go live' with a new process, policy shift or approach, they haven't had the opportunity to question, ask for clarification or raise potential (and sometimes immediate) pitfalls or problems with implementation. This issue is not about PHAs/LAs needing to be 'spoon fed' at every turn – they are highly competent and professional individuals. PHAs/LAs are aware of the enforcement options and actions to take in relation to biosecurity events and non-compliant imports, but BTOM (and DEFRA's interpretation of it) has effectively blurred the boundaries, which means the direction from the centre is really needed in these circumstances to try and establish consistency at all GB points of entry.
8. A serious biosecurity risk would not normally result in rejected loads at the border being re-exported. A proportionate and consistent response should always be sought, but perhaps in this scenario, proportionality should not be the driver.
9. There is also a current focus on the financing of official controls because again there is a hopeless imbalance in trade flow at the different points of entry. Some PHAs have a steady cost recovery income stream, others fall short and a few have no prospect of being able to recover costs fully due to infrequent or seasonal trade in SPS goods.
10. On the inland LA issue, referrals to inland LAs can be particularly challenging because inland colleagues may have less understanding or experience of dealing with such things, with equally little direction or coordination from Defra or the FSA to assist the process. There has been little, if any, guidance on the expectations upon inland local authority control of consignments that have left the border. On 12th February 2025 a joint letter from Defra and the FSA was published relating to African Swine Fever, giving guidance to inland local authorities on enforcement; no mention of FMD whatsoever. African Swine Fever, though still a very real threat to the UK, has been present in EU countries for years.
11. I predict that the relatively small number of contributions to the Inquiry from BCPs so far is in partly because of Defra's intransigence (mainly through the culture, rather than the people), but also because BTOM has been introduced with the clear direction of the last government that where possible there should be no friction. A border that isn't really a border. In reality we have inevitably ended up with a fudge, a border that creates friction through poor system design that does not adequately control biosecurity.
12. I believe that the EFRA Committee Inquiry is the best means of highlighting the flaws in the system and I believe there are ways to incrementally implement the regime further and plug some of the gaps without the unpalatable or unworkable prospect of the 'big bang' approach.

13. It would be such a breath of fresh air if there was an openness to admit at the centre that BTOM is far from perfect, mistakes have been made during implementation, but there is a clear strategy to improve the situation. The reality is that Defra is unable to provide ministers with sufficient assurance or information to inform decision making on the next steps, which equally means Defra does not know how robust the system is to deal with real biosecurity and public health risks.

14. Defra's statement of 13th February is claiming that the most stringent response possible was taken, when it obviously wasn't. Defra must be held to account on this.

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