

Good Food Nation consultation

Response from OneKind

Framework legislation - outline

Question 1: To what extent do you agree with the framework proposals for Ministers and public authorities to prepare statements of policy, have regard to them in the exercise of relevant functions, and report on implementation, with regard to international obligations and guidance?

Agree

OneKind agrees with the framework proposals as long as animal welfare is included among the purposes identified.

From our perspective, it is essential that the Ministerial and public authority policy statements cover the welfare of the animals that are bred, reared and slaughtered for human consumption and recognise this as an intrinsic part of food quality. As the World Organisation for Animal Health stated in 2015: “Today, animal producers are increasingly taking animal welfare into account and some have come to see it as a characteristic of quality of their products. Consumer interest in animal welfare is growing and this is having an ever-increasing influence on world market data for animals and animal products.”
http://www.oie.int/fileadmin/Home/eng/Media_Center/docs/pdf/Fact_sheets/AW_EN.pdf

As pointed out in Part 1 of the consultation document (page 3), the original Good Food Nation vision aimed, among other things, to work to ensure that: “It is the norm for Scots to take a keen interest in their food, knowing what constitutes good food, valuing it and seeking it out whenever they can.” OneKind supports this aim, but food is not good if it is produced at the expense of animal suffering and therefore the statements of policy should focus on achieving “the highest standards of animal welfare”.

This phrase is used in Section 15 of the Procurement Reform (Scotland) Act 2014 <https://www.legislation.gov.uk/asp/2014/12/contents> which provides a national legislative framework for sustainable public procurement. The recognition of animal welfare in this Act is important and welcome, although further clarity about what this means would be useful. According to the Statutory Guidance to the Act:

“Public procurement can play a key role in the promotion of the highest standards of animal welfare. When determining what is meant by animal welfare, this can encompass a range of aspects such as health standards for farm livestock, how animals are protected during transportation, no animal cruelty and how animals are treated at slaughter. Adherence with these standards can better protect public health but also make a major contribution to the sustainability of the fishing, aquaculture and livestock sectors to the wider agriculture and food industry and more broadly to the countryside, rural communities and the rural economy.”

It is valuable that the link between benefits to both animals and humans is recognised. The Statutory Guidance references some farm animal welfare legislation but there are other standards, such as Scottish Government codes of recommendations for animal welfare and the proposed new guidance documents to augment these, that offer more detail and advice and could usefully be included.

As part of the Good Food Nation, therefore, Scottish Ministers and public authority food policies should aim to 1) define what is meant by “the highest standards of animal welfare” for animals that are part of food production for Scotland; 2) set out to achieve the highest standards of welfare; and 3) ensure that these policies are harnessed to bring about continuous improvement in the lives of farmed animals in Scotland and elsewhere.

Up to now, we have not seen evidence that these are the Scottish Government’s intentions, and this is a concern. The summary of animal health and welfare (primarily health) measures in the initial Good Food Nation Programme of Measures <https://www.gov.scot/publications/good-food-nation-programme-of-measures> document does not have a clear focus on animal welfare although there are references to it. The document states that, at present:

- The amount of minimum space required for livestock welfare is enshrined in legislation.
- Strengthened welfare of animals at time of slaughter is ensured by European Union and national legislation.
- Scottish Government are currently consulting on mandatory CCTV in all live areas of abattoirs.
- European Union and national legislation provides a rigorous framework to ensure the welfare of animals in transit.
- The Bovine Viral Diarrhoea (BVD) eradication scheme became mandatory in 2013. Since then, the number of cattle breeding herds exposed to BVD has fallen from 40% to under 10%.
- Scottish Government has been supporting the development of a multispecies livestock database ('ScotEID') that replaces and improves on existing systems. ScotEID is a world leading system that contributes to the protection of Scotland's livestock sector from exotic disease, helps to protect public health and enables development of the sector.

With regard to aquaculture, there is some reference to fish health and to environmental issues, but none to the welfare of farmed fish.

OneKind recognises the value of the measures listed in the Programme of measures but sees the selection as somewhat random: it does not recognise some positive developments in animal welfare provision in Scotland that have not been recognised, and does not acknowledge that improvement is still required in many areas.

There is not scope in this consultation to cover these areas in detail. We would suggest that the overall aim must be to promote and ensure the well-being of farmed animals in Scotland and, as far as possible, those imported to Scotland in the form of food. In defining

the highest standards of animal welfare, this must mean not only minimising negative experiences, but also providing the animals with opportunities to have positive experiences. The Farm Animal Welfare Committee, which advises all UK administrations, has long advocated moving beyond the so-called Five Freedoms to a point where citizens are reassured that *“all farm animals have a life worth living and a growing number have a good life.”* <https://www.gov.uk/government/publications/fawc-report-on-farm-animal-welfare-in-great-britain-past-present-and-future> These are surely aspirations that the Good Food Nation should support.

Other aspirations which have an evidenced relationship with improved animal welfare (OneKind is happy to provide further information) would include:

- A drive to reduce unnecessary antibiotic use.
- Promoting pasture-fed livestock and halting the move to zero-grazing.
- Mandatory labelling of farming method in meat and dairy products.
- A ban on the use of farrowing crates for pigs.
- A ban on the use of enriched cages for egg-laying hens.
- Focus on welfare at slaughter. Following last year’s consultation on mandatory CCTV in all live areas of abattoirs, this should be introduced without delay.
- A drive to reduce farm animal mutilations such as tail docking and tooth-clipping of pigs, tail-docking and castration of lambs, and de-beaking of laying hens.
- Full recognition and consideration of the sentience of farmed fish and their welfare needs.

The above list is given merely for illustration and is not exhaustive.

International obligations

We agree that there should be a statutory requirement to have regard to relevant international obligations and guidance when developing the statement of policy, when exercising relevant functions and in reporting on implementation of the policy. Even after the United Kingdom leaves the European Union, we believe that the principle of Article 13 of the Treaty on the Functioning of the European Union should continue to be observed. Article 13 recognises that animals are sentient beings and places a duty on governments, when formulating and implementing policies on agriculture, transport, fisheries, research and technological development, to pay full regard to their welfare requirements. This guiding principle was recognised in section 13B of the UK Withdrawal from the European Union (Legal Continuity) (Scotland) Bill as passed by the Scottish Parliament in March 2018. [https://www.parliament.scot/S5_Bills/UK%20Withdrawal%20from%20the%20European%20Union%20\(Legal%20Continuity\)%20\(Scotland\)%20Bill/SPBill28BS052018.pdf](https://www.parliament.scot/S5_Bills/UK%20Withdrawal%20from%20the%20European%20Union%20(Legal%20Continuity)%20(Scotland)%20Bill/SPBill28BS052018.pdf)

International animal welfare standards such as the science-based standards of the World Organisation for Animal Health (OIE) which cover, among other things, the transport of terrestrial animals and farmed fish, by sea, land and air, the killing of animals for disease control purposes and for human consumption, and the welfare aspects of different animal production systems, including beef cattle and broiler chickens, should also be considered for inclusion as guidance.

Reduced consumption of animal products

OneKind agrees that people need affordable food. It is generally accepted that reducing people's consumption of lower priced, lower quality animal-derived products and replacing these with vegetables, fruit and alternative protein sources such as pulses is not only better for animals, it is healthier and more sustainable too.

While OneKind encourages people to eat less meat, eggs and dairy, or none at all, we do appreciate that at present that is not everyone's choice and animal-derived products are going to remain a part of the Scottish diet for the foreseeable future. That being the case, there is a strong ethical case for ensuring that those animals that are still farmed for food are enabled to lead better lives.

The ethical case is underpinned by the scientific evidence that farmed animals are sentient. Sentience refers to the capacity of animals to feel positive and negative emotions, states and sensations. Emotions are a core component of sentience, and animal welfare. Emotions vary in their valence (pleasantness or unpleasantness), and in their arousal level (intensity or excitement) <https://www.ncbi.nlm.nih.gov/pubmed/20685706> Both the arousal and valence of emotions are of importance and relevance to the study of sentience in animals, although it is the valence that has the greatest implication for the animal's state of welfare https://animalstudiesrepository.org/acwp_asie/15/ .

Most researchers agree that measures of emotion should be a core component of any holistic attempt to assess animal wellbeing <https://www.mdpi.com/2076-2615/3/3/882> .

These are not concepts that routinely feature in farming practices, public procurement policies nor, it must be acknowledged, in many consumers' buying choices, but they need to be recognised and promoted if Scotland is serious about becoming a Good Food Nation.

Question 2: Whilst we do not plan to require all sectors to prepare statements of policy on food, they do all have a role to play in achieving our Good Food Nation ambition. To what extent do you agree that Government should encourage and enable businesses in particular to play their part?

Strongly agree

OneKind supports the view of the Scottish Food Coalition that, to succeed in making Scotland a Good Food Nation, a part must be played by everyone who has a role in food, including private businesses. When it comes to animal welfare, procurement policies in both public and private enterprises can play a major part in influencing producers. One example is the welcome trend among many manufacturers and caterers towards purchasing only free-range eggs, as a matter of policy.

We agree that the Scottish Government should encourage and support private businesses to help achieve the Good Food Nation ambition, including achievement of the highest standards of animal welfare. One way the Scottish Government can do this is by offering

guidance to businesses based on scientific evidence of animal sentience and the harms and benefits of different rearing systems.

Oversight of the Good Food Nation policy area

Question 3: To what extent do you agree with the proposed approach to accountability of Scottish Ministers and specified public authorities?

Strongly disagree

The proposed approach is for Scottish Ministers to lay their statement of policy before the Scottish Parliament and for specified public authorities to submit theirs to the Scottish Ministers, with reports on implementation to follow every two years. Only the Ministerial report would necessarily be published. There is no proposal for an independent statutory body to oversee the Good Food Nation policy.

OneKind disagrees with the proposed approach. The complexity, need for cross-government approach and the cross-societal implications are unprecedented, as are the number of interrelated crises that food system change will tackle. OneKind believes that there should be an independent statutory body with expertise in all relevant areas including animal welfare, to ensure Scottish Government accountability in the years to come. We do not think that simply reporting to the Scottish Parliament is a sufficiently robust process for reviewing, assessing and critiquing the Good Food Nation agenda as it progresses.

We therefore take the view that an independent Food Commission must be established, with full support from the Scottish Government.

Other provisions

Question 4: To what extent do you agree with the proposal for targeted legislation relevant to specific policy areas as an alternative to a single piece of legislation?

Disagree

We note that the Scottish Ministers believe that any legislation required to deliver policy intentions in certain areas including health, diet or food waste should be taken forward through targeted legislation rather than the framework legislation proposed in the consultation. It is not clear, however, which other policy areas may be thought suitable for targeted legislation and which others, by extension, may fall out of scope.

The essential outcome is to have a robust framework that provides for as yet unforeseen contingencies as well as the issues that currently require to be addressed.

OneKind reiterates the need for a clear policy both recognising and implementing the recognition of animal welfare as part of food quality. In terms of legislation, this could be combined with measures that recognise the sentience of animals and place an obligation on the Scottish Government to have regard to their welfare in all relevant areas. It could also

provide an obligation to ensure the highest standards of animal welfare, taking a similar approach to the procurement legislation referred to in Question 1, but including much more detail and taking a more strategic approach.

Animal welfare is of course already subject to a discrete body of legislation and regulations which will continue to be necessary. At the same time, we believe there is value in incorporating the aspiration to achieve the highest standards of welfare for all animals involved in the Scottish food system within the currently proposed Good Food Nation legislation. This could set out a coherent road map and a timetable for the standards. It could also include standards for animals that are not born, reared and slaughtered in Scotland, and are therefore beyond the reach of our legislation. If these animals are to be eaten in Scotland, standards for their welfare can and should be provided under public procurement policies.

The Scottish Food Coalition has pointed to the fragmented nature of the food system in Scotland, with different elements working in competition and not in unison, and suggests that the Good Food Nation Bill provides an opportunity to resolve this. In the context of animal welfare, OneKind hopes that the legislation will create a nation where the interests of farm animals, farmers and consumers become better aligned, to the benefit of all.