

Bobby Calf TOF RIS Submissions
Animal Health Australia
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27 January 2011

Dear Sir, Madam

RSPCA Australia submission on the proposed bobby calf time off feed standard

Thank you for the opportunity to comment on the proposed bobby calf time off feed standard and the accompanying Regulation Impact Statement (RIS).

As implied in the RIS, the role of Government regulation is to strike a balance between the needs of the livestock production industries - in this case, the dairy industry - and the needs of the animals concerned - in this case, bobby calves. The recommendation to adopt a 30-hour time off feed limit for bobby calves does not strike a balance. The proposed standard amendment will result in zero cost to industry (RIS, page v) and does nothing to improve the welfare of bobby calves before, during and after transport. As such, RSPCA Australia does not support this recommendation.

RSPCA Australia advocates the euthanasia of bobby calves on farm or, where transport is considered necessary, direct consignment to the abattoir and slaughter as soon as possible upon arrival with a maximum time off feed of 18 hours as the “outer legal limit”.

This submission outlines our concerns regarding the justifications for the proposed amendment and identifies what we believe are serious deficiencies in the RIS including the failure of the proposed amendment to address the case for market intervention, and the inadequacy of the animal welfare science relied upon.

Genuinely improve the welfare of bobby calves on a large scale

RSPCA Australia sees the development of animal welfare standards and guidelines as a unique opportunity to improve the welfare of livestock production animals on a large scale rather than maintaining the status quo (the proposed bobby calf standard being a case in point). The fact that these standards are intended to be incorporated into legislation is a chance to encourage best practice in the livestock industries and should not be seen as a means of justifying the continuation of poor practices that are detrimental to animal welfare. The very use of the term “outer legal limit” (RIS, page iii) implies that the standard will cover those in this latter category. This is a most deplorable situation.

Achievable by majority of industry

The RIS (page vii) points out that the vast majority of journeys (from last feed to slaughter) are carried out within a 24-hour period. We suggest that there is an opportunity for improvement here and that where circumstances may result in an 18-

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hour period being exceeded, that some flexibility is exercised on farm in terms of the time bobby calves are fed to ensure that maximum time off feed is not exceeded. In other words, bobby calves destined for transport on a particular day could be fed nearer to the time of loading in order to remain within an 18-hour time off feed limit.

“Outer legal limit” justification

The justification provided for the “outer legal limit” of 30 hours time off feed (cited from Fisher report at page 8) creates a number of concerns for both calf welfare and the interests of producers, transporters and processors.

Firstly, the appropriateness of the outer legal limit is qualified by the requirement for “good practice in other aspects of calf management and transport”. Accordingly it can be surmised that if good practice in other aspects of calf management and transport is not present, the 30 hour limit may be inappropriate for bobby calf welfare. As conditions will not always be ideal a 30 hour limit may predispose calves to greater welfare risks. This in turn may predispose producers, transporters and processors to a greater chance of enforcement action including possible prosecution.

Regard must be had to the fact that producers, transporters and processors may still be subject to enforcement action and possible prosecution for breaches of animal welfare laws contained in state and territory animal welfare Acts, even when they have complied with a regulated time off feed limit. Compliance with a particular provision of a regulation, code of practice, or standard and guideline, does not afford blanket immunity from the provisions of the primary state or territory animal welfare Acts. It follows that if part of the object behind adopting such an “outer legal limit” is to protect producers, transporters and processors from enforcement action, then it may be wise to rethink such a strategy. Adopting a high time off feed limit which increases the chances of calf welfare incidences (particularly when circumstances are less than ideal) may in turn unfairly predispose producers, transporters and processors to increased risk of enforcement action including possible prosecution.

Secondly, the justification for the “outer legal limit” tends to imply a lack of confidence in the ability of regulators to exercise appropriate discretion in determining whether enforcement action is required in a given situation. The 30 hour limit is in part justified on the basis that it “allows for seasonal peaks in calving and access for dairy farmers who do not have a processing capacity in their region.” (RIS, page 13). These are matters which regulators take into account when determining whether enforcement action is required for a breach of a time off feed limit. If bona fide extenuating circumstances are present it is very unlikely that any enforcement action will be pursued.

To set a high “outer legal limit” to accommodate atypical operational difficulties experienced by some producers to the potential expense of those bobby calves transported without otherwise good calve management and transport practices is unnecessary and inappropriate.

Proposed standard amendment fails to address case for market intervention identified in RIS

The RIS was developed on the basis “that 99 per cent of bobby calves are currently processed with no more than 30 hours TOF” (RIS, page vi). As such, the proposed standard amendment of 30 hours time off feed does not in fact *intervene* in the market; rather, it simply reflects what is already occurring in the market.

Consequently, all of the legitimate justifications for intervening in the market identified in the RIS (at pages 16 and 17) are not addressed. Those justifications relate to the following:

- a) The presence of negative externalities such as the failure of farmers, transporters and meat processors to adequately take account of risks to bobby calf welfare (i.e. social costs) in their private business decisions.

Question for Animal Health Australia:

How does the proposed standard amendment of 30 hours time off feed alter incentives to take account of bobby calf welfare risks when 99 per cent of producers in the market already comply with this time off feed limit?

- b) The lack of public goods in the form of risk management to bobby calf welfare if left to market forces alone.

Question for Animal Health Australia:

How does the proposed standard amendment of 30 hours time off feed address the lack of a market for bobby calf welfare risk management when 99 per cent of producers in the market already comply with this time off feed limit?

- c) “The lack of information regarding the nature of animal products (particularly their original or method of production).

Question for Animal Health Australia:

How does the proposed standard amendment of 30 hours time off feed assist consumers in rejecting bobby calf products which derive from poor bobby calf time off feed practices when 99 per cent of producers in the market already comply with this time off feed limit?

RSPCA Australia believes that the proposed standard amendment of 30 hours time off feed does nothing to address these concerns. The proposed standard amendment must *intervene* in the market as the RIS anticipates if the above matters are to be addressed. This requires the implementation of a standard that is not simply a reflection of what is already occurring in the market. A standard amendment of 18 hours time off feed would present a stronger case for giving effect to the above objectives as it would be a more definitive indication to consumers that time off feed limits will not create calf welfare risks.

RIS has failed to identify and consider feasible alternatives

The RIS has further failed to comply with regulatory guidelines in that it has failed to give any consideration to feasible alternatives concerning the time off feed limits before transport (6 hours), during transport (12 hours), or after delivery before slaughter (12 hours).

The option of feeding bobby calves during transportation was simply dismissed as impractical without any real consideration of the issue or referral to evidence supporting such conclusion (page vi). Similarly, the option of reducing the 12 hour time off feed limit after delivery before slaughter was dismissed on the basis of “food safety” without referral to any evidence.

These justifications may be legitimate but without evidence the RIS is lacking as these options may on face value be considered “feasible alternatives”. This is especially so in light of the purported high costs of options C and D.

Community expectations not considered

The RIS states that it is important that community expectations are to be taken into account (see RIS, page 15 for example), and acknowledges that “the successful pursuit of many industries involving animals is dependent on community confidence in the regulation of animal welfare.” (RIS, page 17). Yet the RIS fails to make any reference to studies on community expectations in relation to animal welfare, and has not provided details on any research into such conducted by the authors.

Despite its acknowledgement of the importance of community expectations, the RIS appears to disregard issues that may be of significant importance to community expectations regarding the welfare of bobby calves during transport and processing. The RIS states at page 22 that “The ethical questions and value judgments of hypothetical animal ‘hunger’ and ‘discomfort’ are beyond the scope of the RIS.” It is

submitted that if the authors of the RIS were genuine about taking into account community expectations they would have consulted the existing studies on community expectations regarding animal welfare, and possibly conducted their own research on the issue. The authors of the RIS may disregard issues of calf 'hunger' and 'discomfort' as being "hypothetical" in nature, but it should be acknowledged by the authors that to the general community, these issues are perceived to be very real.

Failing to acknowledge and pay due regard to community expectations risks delegitimising the regulatory standards, and fails to serve industry interests in addressing consumer concerns.

Dairy Australia commissioned research requires further scrutiny

The research commissioned by Dairy Australia to support a maximum time off feed standard is yet to be peer reviewed and published in a reputable journal. Nevertheless, it draws similar conclusions to a comparable study carried out in New Zealand and these are used to justify a 30-hour time off feed standard for bobby calves. We have the following comments:

- Even though the study used calves aged 5 to 10 days, the majority of bobby calves would be transported in the earlier age range with anecdotal evidence suggesting some calves are transported before they're fifth day of life. Age effects should be included before any conclusions can be drawn.
- All biochemical variables used to measure welfare showed an increasingly worsening situation post 24 hours off feed. Even though the measured levels remained within the defined thresholds, we believe best practice should aim to see those levels remaining stable and not approaching concerning thresholds at all. The RIS (page vii) states that there is no science-based evidence of improvements to calf welfare under 24 or 18 hours off feed as compared to 30 hours. We disagree with this conclusion and also point to the Dairy Australia study which discusses glucose concentrations and other indicators of metabolism that suggest a 24-hour period off feed would constitute a lower welfare risk.
- Throughout the period of time off feed, calves are drawing on their energy reserves in an effort to maintain homeostasis (shown by increased lactate in the study). It can be argued that the routine industry practice of feeding calves once daily results in the animal being continually hungry and is quite contrary to the natural situation where a calf will suckle multiple times throughout the day. The 30-hour time off feed limit would further exacerbate this hunger and surely cannot be in the interest of bobby calf welfare.
- Around one fifth of the calves in the study showed low levels of gamma glutamyl transferase (GGT) which indicates a failure of passive immunity being transferred via colostrum. The industry practice of removing calves from their mothers soon after birth, brings with it a responsibility to ensure that these calves receive adequate colostrum well within the limited time frame available for transfer of passive immunity. Our conclusion from this particular study can only be that insufficient care was provided to these calves and we remain unconvinced that, in the wider industry, bobby calves destined for slaughter (low value) are given the same treatment as calves destined for replacement or rearing (higher value).
- The 30-hour time off feed limit is considered "defensible" assuming good practice in all aspects of calf management and transport. The RIS has rephrased the term "defensible" as "reasonable" and assuming "appropriate" (an ambiguous term) practice rather than "good" practice. "Reasonable" is not the same as "defensible" and neither of these terms are in the spirit of "best practice" which the Fisher report concludes would constitute "a 24-hour time off feed period".

Although the aim of developing science-based standards is essentially a sound one, there must be a solid body of published research to base such standards on. At present, this does not exist. It is also important to note that the New Zealand study concluded with a most significant comment:

“..., relatively high mortality and morbidity rates during the weeks following transport (Knowles 1995) suggest that significant detrimental effects, presumably related to the food withdrawal and transport, can develop subsequently.”

Reduce unnecessary and stressful handling, transfer and holding of bobby calves

A 18-hour time off feed limit will see efficiencies in transportation of bobby calves by encouraging industry to transport bobby calves directly to the nearest abattoir rather than through calf scales, saleyards or markets. Repeated handling as well as loading, transport and unloading into unfamiliar environments is widely acknowledged to be stressful to livestock and should be avoided or minimised. Journeys can be planned and coordinated to ensure that on-farm pick-up(s), delivery to the abattoir and slaughter occur well within the time off feed limit. Journeys should be coordinated to ensure that bobby calves are slaughtered soon after arrival at the abattoir - overnight lairage should be avoided as it causes unnecessary distress.

On-farm euthanasia is a more humane alternative to transport

Just under 800,000 bobby calves are destined for slaughter each year. The RIS (page 4) points out that this is an “inevitable” consequence of dairy production. It is RSPCA Australia’s view that bobby calves are treated as ‘by products’ of the dairy industry and, as such, are not afforded the treatment received by higher value replacement heifers and calves destined for rearing. This is exemplified by the stark contrast in transport conditions between calves destined for rearing and those destined for slaughter as outlined in standards SB4.4 and SB4.5 respectively. A more humane alternative for calves destined for slaughter is on-farm euthanasia by an appropriately trained and competent person using a quick and effective method. On-farm euthanasia removes the risk of potential suffering experienced by unwanted bobby calves from the day they are born to the moment they are stunned prior to slaughter.

RSPCA Australia is of the view that bobby calves are too young to cope with the length of transport and time off feed. Bobby calves have underdeveloped “following” behaviour which makes loading and unloading during transport difficult for handlers and stressful for calves. During transport and, if sold through calf scales or markets, bobby calves are exposed to the elements, are not provided with bedding and often have little room to lie down. All in all, bobby calf welfare is poor.

RSPCA Australia advocates the euthanasia of bobby calves on farm or, where transport is considered necessary, direct consignment to the abattoir and slaughter as soon as possible upon arrival, with a maximum time off feed of 18 hours.

Please don’t hesitate to contact us should you have any questions regarding this submission.

Regards



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