

# **Animal Health and Veterinary Public Health Bill**

## **Summary Notes**

### **Introduction**

The drafting of this Bill has taken into account civil, trade, agricultural, penal and administrative laws and procedures which may impact its application and may shape some of its provisions. The drafting of this Bill has also taken into consideration the World Organisation for Animal Health (OIE) recommendations in the Terrestrial Animal Health (TAH) Code and the Aquatic Animal Health (AAH) Code, and relevant provisions of the World Trade Organisation (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). Key provisions of this Agreement include Article 3 on harmonization of sanitary measures (animal health and veterinary public health) with international standards, guidelines or recommendations, i.e. the standards of the OIE and the Codex Alimentarius Commission.

The provisions set out in this Bill are adapted from the CARICOM Model Animal Health Bill and accompanying Guidance Notes.

The provisions of this Bill received inputs and direction from stakeholders at the initial stages of drafting and developed following a series of consultations with a range of Government and private stakeholders, including: officials from the Ministry of Agriculture, Ministry of Health, Ministry of Industry and Commerce, Ministry of Finance, as well as a range of stakeholders from the livestock and veterinary sector.

### **Scope of Bill**

The scope of the Bill include the following subjects:

For terrestrial animals:

- animal health and disease control, surveillance, diagnosis and notification, as functions of the Veterinary Authority (including a chain of command structure and provisions for emergency response) and provisions for coordination and collaboration with other competent authorities on all relevant aspects.
- animal identification and traceability
- control of animal feed
- ante and post-mortem inspection of animals at slaughterhouses
- animal welfare
- control of veterinary medicinal products
- veterinary laboratories
- import control and export certification for animals and animal products.

For aquatic animals:

- animal health and disease control, surveillance, diagnosis and notification, as functions of the VA (including a chain of command structure and provisions for emergency response) and provisions for coordination and collaboration with other competent authorities on all relevant aspects.
- identification of animals by batch
- control of animal feed
- control of veterinary medicinal products
- veterinary laboratories
- import control and export certification for animals and animal products.

## **PART I PRELIMINARY**

### **The Animal Health and Veterinary Public Health Act, 2021**

#### **Interpretation**

The definitions in the Act are aligned with those included in the Glossary to the Terrestrial Animal Health Code and the Aquatic Animal Health Code of the World Organisation for Animal Health (the OIE). It is important that the definitions in this Bill are in line with the definitions contained in the respective Code as not to do so would affect the scope of the application of the Bill insofar as if they differs from those of its trading partners, this would affect how far the Bill would apply and whether or not the Veterinary Authority can act on a particular commodity.

## **PART II ADMINISTRATION**

This clause establishes the Veterinary Authority to enforce the Act. The VA is headed by the Chief Veterinary Officer. This listing of functions removes ambiguity over the scope of responsibilities of the Veterinary Authority. This addresses a major gap in the current Barbados legislation by enumerating the responsibilities of the Veterinary Authority with respect to animal health.

Where more than one authority is involved such as in relation to environmental, food safety or other public health matters, the legislation requires that a reliable system of coordination and cooperation should be in place. This is especially evident in Part II (a), control of animal disease and zoonoses and in Part III, veterinary public health, where specific recommendations are set out to achieve this goal.

#### **Delegation of functions**

This clause sets out in broad strokes, that certain (not all) Veterinary Authority functions can be delegated, to whom and in what circumstances. A delegation of functions agreement or contract should stipulate at least the terms and conditions of the instrument of delegation, for example scope, remuneration arrangements, means of supervision by the VA and minimum qualifications required.

This mechanism allows the VA to use veterinarians that are not part of its staff to carry out certain tasks. This allows the VA to use staff of other Ministries (e.g. Ministry of Health, Customs etc) or to private persons. This provision is also useful for activities, which can be in the interface between public services and the private sector (for example, extension services, slaughterhouse inspection and certifications etc) or for vaccination or animal identification programs. However, certain official functions must not be delegated, to guarantee the independence and impartiality of the control system.

## **PART II (a) CONTROL OF ANIMAL DISEASES AND ZOOSES**

#### **Lists of notifiable diseases**

The legislation makes provision for a list of diseases, both terrestrial and aquatic that are deemed to be of national and international importance and if their presence is suspected or diagnosed, must be notified to the Veterinary Authority (i.e., notifiable diseases).

In the case of aquatic animal diseases, the legislation allows for collaboration between the Veterinary Authority and the Fisheries Division in setting out the appropriate mechanisms to deal with these.

### **Surveillance and animal health status**

Animal health surveillance is a tool to monitor disease trends, to facilitate the control of disease or infection, to provide data for use in risk analysis, for animal or public health purposes, to substantiate the rationale for animal health measures and to provide assurances of disease status for trade purposes.

The legislation identifies the Veterinary Authority's responsibility for determining animal health status and for establishing surveillance systems.

The legislation sets out the basic requirements needed for a surveillance system (training, mandatory reporting, laboratory diagnostics) and identifies the Veterinary Authority as the responsible authority to lead the response to animal health emergencies, with cooperation from other authorities (e.g. police, health, environment) based on the particular circumstances. In the case of zoonotic diseases (any disease or infection which may be transmitted from animals to humans), the legislation mandates that the Veterinary Authority notify and collaborate with the Ministry responsible for public health.

Development of disease contingency plans, declaration of an animal disease emergency, control measures (including movement controls, management of diseased animals, disinfection, killing of diseased animals, disposal of dead animals) and for compensation to animal owners in the event of killing or slaughtering of animals or for seizure and destruction of carcasses, meat etc.

## **Part III VETERINARY PUBLIC HEALTH**

### **Veterinary Medicinal Products**

The framework should provide a basis for the control of the importation, manufacture, distribution and usage of, and commerce in, veterinary medicines and biologicals, including medicated feed. Mechanisms for coordination between the Veterinary Authority and the Ministry of Health should be established and documented in service-level agreements. The Ministry of Health is responsible for the registration and control of human medicines. Some drugs are only used on animals, for treating pests and diseases unique to them, and some drugs used on animals also have health effects on humans, sometimes the same active ingredient can be used for human and animal medicines. Thus, the two systems for animal and human drugs should be coordinated so that one system is not used to circumvent the other. In addition, animal products are consumed by humans, and any residues of drugs or breakdown products of those drugs remaining in the animal products can be passed on to humans with potential adverse effects. Therefore, there are concerns over certain undesirable drugs (steroids, hormones, etc.) being passed on to humans, or humans developing resistance to certain drugs (e.g., antibiotics).

### **Veterinary ante-mortem and postmortem inspections**

The crux of this provision is to establish Veterinary Authority control over facilities that are established by private operators, or to allow the Veterinary Authority to establish the facility directly. The role of the Veterinary Authority has traditionally extended from the farm to the slaughterhouse, where veterinarians have a dual responsibility – epidemiological surveillance of animal diseases and ensuring the safety of meat. The activities of the Competent

Authority having jurisdiction at the slaughterhouse (usually Veterinary Administrations) very often serve animal health as well as public health objectives. This is particularly the case in relation to ante- and post-mortem inspection where the slaughterhouse is a key point in animal health surveillance, including zoonoses.

### **Zoonotic diseases**

This clause seeks to provide that the Veterinary Authority is under an obligation to prevent the introduction and spread of zoonotic diseases. In this instance, the legislation requires the Veterinary Authority to coordinate activities with the Ministry of Health.

## **PART IV HEALTH PROVISIONS RELATING TO ANIMAL PRODUCTION**

### **Animal Feed**

This section seeks to address all aspects related to the control of animal feed. It should be noted that the Food Safety Authority proposed under the *Food Safety and Quality Bill* may prohibit the use of any substance in the production of feed for animals used in food for human consumption, which shall be indicated in food safety legislation, and is not an overlap with the provisions sought to be established in this Bill.

### **Animal identification and traceability**

This is a simple legal foundation for a system to be detailed in regulations. Important considerations include: (1) ensuring the confidentiality of information collected; and (2) ensuring that the information is used for the specified purposes i.e. animal health and production and human health.

The Veterinary Authority must work in cooperation with the Ministry of Health when developing traceability systems for foods of animal origin as required for food safety purposes.

### **Animal reproduction**

This clause seeks to provide that the Veterinary Authority is responsible for the establishment of conditions and requirements governing the reproduction of animals the objective of which is to prevent the spread of pathogenic micro-organisms.

## **PART V IMPORT, EXPORT AND TRANSIT**

### **Border inspection facility**

This provision makes mandatory the presentation of animals and related products at designated border inspection facilities. This will mean that whether the owner of such facilities is public or private, the required space and furnishings must be provided to enable the Veterinary Authority to carry out specified functions.

The legislation also allows for the recuperation of the costs of establishing, repairing or improving such facilities if these are not provided by the owner.

Each border post and quarantine station must be provided with an office comprising personnel, equipment and premises as the case may be and, in particular, means for detecting and isolating disease, carrying out disinfections, making clinical examinations, and if possible, equipment for the sterilization or incineration of any material dangerous to terrestrial or aquatic animal health. Where appropriate, they must also be provided with facilities for the feeding and watering of animals.

### **Import requirements**

This provision sets out an extensive list of import requirements and establishes the respective roles of the Veterinary Authority, the Chief Veterinary Officer, and the Minister in this regard.

The import requirements for animals, animal products and animal-related items shall be based on international standards, or a science-based risk assessment and shall be reviewed regularly by the Veterinary Authority.

The role of the Ministry of Health is noted as some animal products could be foods of animal origin, while for veterinary medicinal products, the systems for control should be well aligned and coordinated.

### **Animal health agreements**

This is an important principle of the SPS Agreement, designed to facilitate trade, where the Veterinary Authority recognizes the measures taken by its trading partners that it considers offer the same protection as its own measures so that the two measures can be determined to be equivalent.

### **Designated points of entry**

It is necessary to designate ports that can be used for the importation of various classes of animal and product, so that the necessary facilities are provided and attendance by an inspector can be assured. This is particularly important for the importation of live animals and perishable goods, for which the necessary infrastructure (feed, water, cold rooms, etc) must be provided. The Comptroller of Customs should collaborate by controlling the entry of goods and directing goods of quarantine interest to the attention of the Veterinary Authority.

### **Import permits**

All animals, animal products and animal-related items intended for importation into Barbados require an import permit from the Veterinary Authority to do so; however the format and specific requirements for the issue of the import permit will vary and these requirements as well as the procedures for requesting one will be set out in regulations to the Act.

### **Duty to detain certain imports**

This provision empowers public officers other than the Veterinary Authority to detain imports of prescribed products, and to inform the Veterinary Authority of their arrival to the country as soon as possible.

### **Arrival notifications and inspections of imported animals, animal products and animal-related items and the transit of animals and animal products**

This part places the obligation on the importer to inform the Veterinary Authority of the arrival or transit of animals, animal products or animal related items, makes provision for basic inspections requirements. And allows for inspections to take place in facilities other than quarantine stations or border inspection facilities, where such places have prior approval from the Veterinary Authority.

### **Export of animals, animal products or animal-related items**

This clause seeks to provide for the conditions and requirements relating to the issue of a veterinary certificate.

### **Quarantine stations**

This clause makes provisions for quarantine stations, recommended by the Chief Veterinary Officer and designated by the Minister. The wording allows for flexibility to designate private facilities that meet prescribed standards either as a permanent quarantine facility or on a temporary or restricted basis. The key elements of this clause are that these facilities meet prescribed standards and are under the oversight or supervision of the Veterinary Authority even if the day-to-day operations are contracted or delegated to the private sector.

The legislation further sets out all the grounds for which an animal may be placed in quarantine empowers an inspector to act if an animal is removed without authorization from quarantine or may have contracted or have been exposed to a notifiable disease.

## **PART VI ANIMAL WELFARE**

This part allows for the Veterinary Authority to develop animal welfare standards consistent with those of the OIE Codes, especially with respect farms, the transport of animals, the slaughtering of animals for food, the humane killing for disease control purposes; standards for working animals, for use of animals in research and testing and for recreation, entertainment and companionship. For aquatic animals, provision is also made for aquaculture establishments and activities carried out in these facilities.

## **PART VII MANAGEMENT OF STRAY ANIMALS**

The management of stray animals are covered under the Dogs (Licensing and Control) Act, and the Livestock (Control of Strays) Act. This section is not intended to supersede nor conflict with these Act, but rather to require the Veterinary Authority to collaborate with the relevant ministries responsible for public health and for livestock as well as with other parties in matters relating to animal disease control and welfare.

## **PART IX ENFORCEMENT**

### **Powers of an inspector**

The powers listed are extensive but necessary for inspectors to carry out their duties e.g. stopping the sale and distribution of animals and animal products, etc. Listing the powers in this manner protects inspectors during their duties and also the public in the execution of those duties so that the rights and obligations of each is clear and unequivocal. these include for example, access to premises and vehicles for carrying out inspections; access to documents; These powers include taking samples; retention of animals and goods pending a decision on final disposition; seizure of animals, products and food of animal origin, etc.

The draft indicates that dwelling places are excluded (on Constitutional grounds) unless an inspector obtains a warrant, and sub-clause (3) is an additional safeguard for the public by requiring all inspectors to identify themselves and show their identification card, and importantly not disclose any confidential information.

### **Offences by officials and penalties**

This provision should be read in light of any other legislation that governs the conduct of public officials. As inspectors are entrusted with significant powers under this Bill, it is useful to reiterate key behaviors that would initiate swift sanctions. This provision provides

specifically for staff of the Veterinary Authority officially acting outside of their authority including a failure to take action, as well as more specifically, abuse of power, taking bribes, failing to disclose a financial interest etc., in order to ensure the accountability of all officials.

**Limitation on liability**

This is an important provision to protect the Government from actions that were taken in good faith, and on a scientific basis for the purposes of preventing the introduction or spread of disease in the country. Not including this would mean an animal owner could sue the Government for putting down an animal that has a notifiable disease, even though such disease could threaten the animal resources of Barbados. Note that the phrase “carried out in accordance with this Act” means that the Government is still liable if procedures are not followed or for any actions that are contrary to the requirements of this Act.

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