

MY INVOLVEMENT WITH THE WAUGHS

Up until depopulation of their farm in February 2001, Waugh¹ brothers Ronnie (aged 60) and Bobby (56) had kept swill-fed pigs all their adult lives, working first for their father, himself a swill-feeder, and, since his death in the late 1960s, on their own behalf. They were based formerly in the Sunderland area of Tyne and Wear (where their family home was, and continues to be) and, since October 1995, at 20 Birks Road, East Heddon, Heddon-on-the-Wall, Northumberland, on the eastern half of which property they held (and still hold) an agricultural tenancy. This latter premises will be referred to consistently throughout these pages as Burnside Farm, the name used for it by the Waughs. Foot and Mouth Disease (FMD) was confirmed there, in pigs, on Friday 23 February 2001. Burnside Farm is believed to be the index case for the UK 2001 FMD epidemic.

¹ Pronounced WOFF, to rhyme with cough.

(1) 21-26 FEBRUARY 2001: FMD

WEDNESDAY 21 FEBRUARY

Though usually stationed at MAFF's Animal Health Area Office at Kenton Bar, Newcastle, on 21 February I travelled across for the day to the Divisional Office at Carlisle, where a day-long liaison/training meeting was being held for local MAFF staff and Local Veterinary Inspectors (i.e. practising vets who also carry out certain MAFF duties). During the course of the morning it was confirmed that, after a twenty year absence, FMD had returned to the UK, having been found in an Essex abattoir. During the afternoon a list was received at Carlisle (faxed from Page Street) of premises which required an urgent FMD-related check-visit. Of the several hundred premises on this list, only one - the Waughs' - was in Carlisle Division. I was instructed by Divisional Veterinary Manager (DVM) Andrew Hayward to make immediate contact with the Waughs with a view to getting this visit done as soon as practically possible.

I began at 4pm trying to contact the Waughs by telephone. All initial attempts were unsuccessful, there being no answer at their home address and a continued engaged signal at their farm. However, at 4.45pm I succeeded in getting Ronnie Waugh on the phone at Burnside Farm. I told him why I was calling - because I needed to inspect his pigs urgently for FMD. He told me he was aware of the situation at Cheale's (the abattoir where disease had just been found and with which the Waughs had close business links) and so knew why I was calling. I asked him if, as far as he knew, his pigs were well. He told me they were (this proving to be a lie,

and putting back diagnosis of disease at Burnside by 18-24 hours). I suggested visiting to inspect his herd first thing the next morning. Waugh was flustered and indecisive, claiming to be uncertain at this time of his movements the next day. (To be fair to him, he was at this time suffering health problems, then undiagnosed, which would prove to be very serious. Though he didn't volunteer this information to me during this conversation, he had a hospital appointment the next morning which, understandably, he would be reluctant to break.) Waugh told me that, if I contacted him at his Sunderland home later that evening, he would by then be in a position to make a definite arrangement for next day. This I agreed to do.

I duly phoned Waugh at 7.30pm. However, the phone was answered not by Waugh, as I had expected, but by a woman I understand was his sister. She relayed a message that Waugh would meet me at Burnside Farm at 2pm the next day. Since, according to this woman, Waugh was not in the house at this time, such that further dialogue or negotiation with him was not easily possible, I merely confirmed acceptance of this arrangement and left it at that.

THURSDAY 22 FEBRUARY

At 2pm, as arranged, I arrived at Burnside Farm, Heddon-on-the-Wall to inspect the resident pig herd for signs of FMD. I was accompanied by Animal Health Officer Jim Storey, a MAFF colleague also based at the Newcastle Area Office. The Burnside herd at this time comprised 527 pigs, with culled adults and pork/bacon pigs in approximately equal numbers alongside a lesser number of young stock. (For full stocking data, see classification/distribution table attached.)

Before beginning my inspection, I again asked both Waugh brothers whether they were aware of any current or recent ill-health in their pigs and was again told that, as far as they were aware, all their pigs were well. However, inspection quickly revealed the presence of widespread FMD, clearly well-established, with old lesions in many pigs. The younger pigs in particular were visibly unwell/unthrifty, putting the lie to the Waughs' specious claims (see Appendix Three) of a herd in apparent good health. Lameness in the older pigs will have come and (largely) gone, but also have been patently obvious in previous days.

Forms A and C were served. Samples were collected and dispatched to the Diagnostic Laboratory, Pirbright, Surrey on the 2030 flight ex Newcastle airport (assistance in this rendered by colleagues Rupert Hine VO, who had been summoned from a nearby farm, and Jim Storey). Tracing information collected (i.e. a list of farm and market premises either visited by the Waughs or which had supplied pigs to the Waughs in the recent past). Relevant documentation (reports + Notices) faxed from Animal Health Office, Kenton Bar, Newcastle to Page Street, London.

FRIDAY 23 FEBRUARY

More work (in liaison with Carlisle office) ref tracing information. Then across to Brown, Heddon View, the farm adjoining Waugh's where the latter's swill was supposedly processed under Article 26 licence (see below). Due to link between farms, if Waugh's herd went, Brown's would have to go too, as a direct contact (DC) premises, even if not actively diseased. Brown so informed. Brown then asked to agree to disposal on his land of both herds (since no space available at Burnside for either burial or burning). Brown agrees and he and I assess disposal site options at Heddon View. Due to high water table, burial not possible. Optimum cremation site identified.

Disease officially confirmed mid-morning. Waugh and Brown informed. Agree valuer with Waugh after difficulty locating his first and second choices - Robert Whitelock of Hexham and Northern Marts subsequently attends. I ask Waugh how he intends to feed his pigs between this time and their eventual slaughter. He replies that he has no processed swill to offer them and proposes feeding either unprocessed swill (of which he has plenty, in barrels, on the back of his lorry) or proprietary bagged meal, of which he has none, and would therefore necessarily need to leave the site to go and buy, and to which the pigs would in any case not be accustomed. I tell him to feed the unprocessed swill, which his employee (David Hall) proceeds to do.

I am requested (by either Andrew Hayward DVM, Carlisle or Steve Wyllie VA, Page Street - I can't remember which) to carry out a clinical inspection of Waugh's pigs and do so for sheds 1 and 2, recording results. No time for remainder as valuation prevents, although class and precise location of all pigs at Burnside recorded during this process also. Whitelock values Waugh's herd, then Brown's. Brown's papers completed and signed off this evening. Whitelock takes Waugh's papers home to complete overnight.

SATURDAY 24 FEBRUARY

DVM Andrew Hayward rings to say Brown's pigs should be slaughtered before Waugh's as latter's are likely to be past high virus-excretion phase whereas Brown's might be about to start. Slaughter at Brown's commences mid-am. Pre-slaughter inspection of Brown's stock (pigs, cattle, sheep) reveals no animal either ill or visibly FMD-lesioned. Post-slaughter examination confirms absence at Heddon View of patent clinical disease. Valuer Whitelock brings back completed Waugh valuation paperwork, which is signed off by all parties.

Dr Kitching of Pirbright and an epidemiology team are at Burnside². Dr Kitching sends word over to Heddon View that in his opinion Waugh's

pigs, or at least certain pens of them, should be killed, in preference to Brown's, as a matter of urgency. Slaughtermen thus go from Brown's to Waugh's and eventually (because of space constraints at Burnside) work at both sites simultaneously. I ask Dr Kitching about advisability of spraying carcasses, bagging feet etc. He replies that the number one priority should be to get the live animals killed ASAP. By day's end, all Brown's stock (344 pigs, 30 store cattle, 5 calves, 4 sheep) is dead, fire is part-built, and c180-200 of Waugh's pigs are dead (majority of these are younger pigs, killed in their pens. Some adults, as indicated by Dr Kitching, are also killed in passageways inside and out. But number of adults killed is limited both by time but more so by lack of available space. Can't kill in pens as once dead would be extremely difficult to remove).

SUNDAY 25 FEBRUARY

Slaughter at Waugh's proceeds through day and is finished soon after 6pm. Last carcasses leave Waugh's soon after 8pm. Day is relatively still - light breeze only - but severe weather warning (heavy snow) for dawn the next day makes lighting of fire this evening imperative. Against this time pressure factor, precautions against virus dissemination as carcasses are moved from Waugh's to Brown's are limited: carcasses are sprayed (feet and snouts) where they lay following slaughter and again in the teleporter bucket at Burnside Farm gate and again in the loaded trailer before it sets off up the road for Heddon View. Before each trailer is loaded, the crack between trailer body and tailgate is sealed with sawdust to prevent fluid run-off. The trailer-loads were not individually sheeted due to lack of a suitable sheet and delay in (i) acquiring one and (ii) applying it to each load. Neither were carcass heads and feet individually bagged, due to impracticality, time-constraints and also lack of suitable materials. Neither was any pre-slaughter disinfection carried out.

Fire (containing circa 917 pig/cattle/sheep carcasses from two farms) lit at 8.50pm. Wind at this time blowing to the SE.

MONDAY 26 FEBRUARY

Fire checked at 5.45 am - burning well. Light snow falling. Wind now blowing to the NW.

² Dr Kitching's team blood-sampled 221 Burnside pigs on this day. All 221 samples were tested for FMD antibody, with 195 (or 88%) proving positive. This constitutes (a) further confirmation (if any be needed) that disease was indeed present on this site at this time as well as (b) a telling indication of the weight (and thus duration) of infection here. For amplification of (b), see Appendix Three, note ¹⁰.

(2) BEFORE THE ABOVE PERIOD: WASTE FOOD AND WELFARE

It seems to me that, in documenting my involvement with the Waughs in the weeks, months and years (1995-2001) before FMD was diagnosed in their herd, there are three distinct areas to consider. These are:

- The presence or absence of disease at Burnside Farm
- The prevailing welfare standards at Burnside Farm and
- The Waughs' waste food feeding practices.

I will now comment on each of these in turn.

(i) Disease at Burnside Farm

In comparison with other swill premises I have visited, disease in the herd at Burnside Farm was never a problem. I was never called there because of sick pigs or suspected notifiable disease. Neither did I have cause to note, whilst present, any generalised debility or depression or sub-optimal performance due to the kind of respiratory or enteric problems which might commonly be seen on other similar such premises. The herd at Burnside was routinely a strong and healthy one, and this was because it comprised either adult animals (cull sows and boars fattened over short periods for slaughter - such animals fit, strong and old enough not to be readily prone to such ailments) or good quality, well-grown younger stock which likewise tended to perform well there. The Waughs were in the business of producing fat pigs for slaughter, and in those strictly narrowly-defined terms they were good at their job. This herd was routinely strong, vigorous, well-grown, well-fed and healthy. Certainly I saw no notifiable disease there before 22 February 2001, nor was it ever suggested to me that such was present. On 24 February 2001 Dr Kitching expressed the opinion to me that the oldest FMD lesions he had seen on that day were 12 day old - i.e. that the first visible signs of FMD would, in his opinion, have been seen on the farm on or about 12 February. With an added incubation period of 8-10 days, he told me he believed the virus would have been introduced into the herd between 2 and 4 February. My previous visit to Burnside before 22 February took place on 24 January (see below). On the strength of this independent epidemiological assessment, therefore, I feel safe in asserting that I did not on that date miss the presence in Waugh's herd of FMD. I say this not because I believe myself incapable of such a thing, but simply because disease at that time was not there, nor would have been present there for another 9-11 days, nor would have been visible (and thus discernible to any inspection, no matter how scrupulous) for another 19 days.

(ii) Welfare standards at Burnside Farm*

[*Though it is perfectly legitimate that questions should be asked (and answered) concerning welfare standards at Burnside Farm, I should state at the outset that I see no direct connection between this topic and the appearance in the Waughs' herd during February 2001 of FMD. The two issues, though each of significance, are essentially separate.]

Though Waugh's herd might in general have been a healthy, thriving one, your problems if you were a pig at Burnside Farm started if/when you became a casualty. Though there was never, to my knowledge, an excessive or untoward number of such animals, still, as with all such herds of this size, the occasional occurrence of such cases was inevitable. The usual cause would be leg lameness i.e. disability caused by inflammation involving usually either the hock or elbow joints. Despite encouragement to take a proactive approach in considering the welfare of such animals, the attitude of the Waughs was initially, and at bottom remained, one of indifference. Though there were dedicated hospital pens (former boar pens) at the farm, these would not always be used. Rather the Waughs would leave affected pigs in with their cohorts to take their chances. Often such pigs would, though lesioned, thrive bodily. Some would not, clearly disadvantaged by their disability sufficient to leave them unable to compete for food and their position in the hierarchy of the pen. The Waughs would remove such pigs into hospital accommodation if told to do so, and sometimes would do so on their own initiative - but not consistently.

When I visited the farm on 22 December 2000 a single such pig was seen. This animal was alone in an unbedded pen (not one of the hospital pens). It had a swollen and painful left (?) elbow. It was in only moderate bodily condition and reluctant to rise. Waugh was instructed to remove the pig into bedded hospital accommodation, which he did, and to make provision, without delay, for its treatment. He was advised that if the pig did not respond within three days to such treatment it should be euthanased.

This visit was made jointly with a Trading Standards Officer (TSO) following a complaint, alleging poor welfare standards at Burnside Farm, which had reached MAFF via the RSPCA and then Northumberland County Council Trading Standards Department. There was discussion between the TSO and myself about whether a prosecution should be instigated (for UPUD³ under The Agriculture (Miscellaneous Provisions) Act 1968) concerning this pig. Such a case could have been made, the decision not to make it was primarily mine and it is a decision which in retrospect I regret having made (though, that said, I do not believe that, whichever way this decision had gone, the subsequent course of events would have been any different). However, it was decided to give Waugh a final warning. He was told verbally at this visit that the next time any pig was found on his premises in such a condition, video evidence would be

collected, written evidence submitted and prosecution recommended. He was told that a revisit during January would take place and that at this visit the health and condition of all animals in his herd would be checked to see that the welfare of each one was adequately provided for. At this subsequent visit (which took place on 24 January and was made both for the reason stated above and because Waugh's Article 26 licence⁴ was due for renewal), the herd was inspected and found to be well. Two pigs in hospital accommodation were particularly examined. The welfare of both was considered to be adequately provided for. Neither of these pigs, nor any other on the farm, showed any sign of notifiable disease.

Though the environment of the pigs at Burnside was, as on other swill-feeding premises, a featureless and spartan one, the basic welfare standards at the premises were acceptable, in my experience, up until my visit there of Summer 2000 (such routine visits being made twice yearly). After a series of postponements on my part, this visit, due in July, was finally carried out on 30 August. On this date, and for the first time, I found conditions at the farm to be unacceptable. The background is as follows:

Due to a severe and sustained depression in the market, the Waughs had for some weeks or months previous to this visit declined to sell their fat pigs for what they considered to be unacceptably low prices. The animals thus retained - in the main cull adult stock - thus grew very large and very strong. Those kept in sheds 4 and 5 at Burnside - wooden Beacon sheds designed to kennel young stock - proceeded to smash the interior of these sheds to pieces. The fibreboard divisions between pens were broken through, either partly or wholly, such that the notion of separate penning was lost. The gates of several of the pens were similarly damaged. By the time I came to see them, the majority of these pens, due to the breach of dividing walls/gates, connected together such that the pigs were in effect being kept in a few very large pens rather than in 24 individual ones. This meant that boars, supposedly separate, could meet and were likely to fight. It also meant that any regulation of sexual activity was lost. What is more, since the sows were being retained past their usual time, litters were either being produced or were likely to be produced - I saw evidence (in the shape of a single live piglet) that at least one litter had been born into an environment where the newborn would stand little chance of protracted survival.

In the three other sheds, where the pens were fully breeze-blocked and thus less prone to damage as above, other problems were evident. First of all the farm slurry system was choked and overflowing such that slurry was backing up into the pens, several of which were, by the doorways, ankle-deep. This rendered the pens - and thus the pigs - wetter and dirtier than they would otherwise have been. Finally I saw two sows, both bodily very fit, dead in their pens, the bodies left lying in the accumulated slurry among their live pen-mates.

I left Waugh's premises to keep an appointment at the Intervention Board, Newcastle (where details of the swine fever-related Pig Welfare Disposal Scheme were then being worked out), having taken no immediate steps to address the problems self-evident at Burnside Farm. I was then paged to attend a BSE report case up in Northumberland. Dealing with this case and its attendant paperwork took up the rest of the working day. But the same evening, at about 7.30pm, by now having had some time to think about possible ways forward, I rang Ronnie Waugh and told him I was shocked and disgusted by what I had seen at Burnside Farm that day (which was true) and that I'd expected better of him (which was also true). I told him that for the purposes of his Article 26 check I was going to pretend that morning's visit hadn't happened and that I would return to the farm early the following week, when I expected to see all problems resolved i.e. there should be no pigs whatever in the damaged sheds 4 and 5, the dead stock should be removed, the slurry problems should be resolved and the sows likely to farrow should either be sent for slaughter before they did so (but only in accordance with WATO '97⁵) or have suitable farrowing accommodation provided for them on farm. I told Waugh that unless I was fully satisfied at this next visit, I would recommend revocation of his Article 26 licence and he would be effectively out of business. In reality, the grounds for making such a threat are dubious and the nature of the threat possibly inappropriate. But though conditions were indeed unacceptably poor on this day - where's the UPUD? Only the newborn piglets (and possibly their dam or dams) can be said to have so suffered and unless a sow was actually seen in the act of farrowing, even this would be hard to prove.

I duly made a return visit and found all much better as I had required. The excess slurry had been drained from all pens. No dead pigs were seen. Suitable farrowing accommodation was in place for full-term sows (6 crates in two groups of three at the near end of shed 3). Sheds 4 and 5 were wholly empty and remained so at my next visit of 22 December - though, by 22 February 2001, shed 4 again contained ten pigs, penned in ones and twos, even though in sheds 1-3 there were numerous empty pens. WHY? Nothing but perversity can explain it.

All of the above is true in every particular. Having said that, anyone looking for official documentation of the sequence of events related above will look in vain. This is because, though contrary to normal working practice, no such official record was made. The reason for this has to do with local staff depletion (due to serial CSF⁶ detached duty absences plus one VO vacancy) creating too much work and too little time to do it in. The inevitable if regrettable result of such depletion is, subject to opportunity, the cutting of corners. (NB: the first visit to Waugh's, *but not the second*, is entered in my desk dairy. A record of the second may or may not be on my travel claim for the period in question - I personally retain no copies of these. The evening telephone call made from my home

to Waugh's can be substantiated, if necessary, by reference to BT Chargecard account records paid by and presumably retained at Carlisle Divisional Office.)

Two final points concerning this episode:

(1) That the above sequence of events went officially undocumented means that Carlisle DVM Andrew Hayward was never made aware (either verbally or in writing) of what happened at Burnside Farm at this time. This fact must be borne in mind by anyone seeking to establish how much the DVM did or did not know, before February 2001, about the Waughs and their farming practices. In fact, they will (I assume) have been nothing more to him than a name, signifying nothing.

(2) It may be argued that, if the Waughs were known to have shown, at least on this one occasion, such a cavalier or irresponsible attitude towards the welfare of their pigs, why should they not be presumed likely to show a similar attitude in respect of their waste food feeding practices also, and why not, therefore, monitor or investigate these feeding practices accordingly? I accept that, *in retrospect*, this is a perfectly valid point to make. However, the link, in my belief, is *not* as obvious or straightforward as it might superficially appear and the reasons why I failed to make it at the time are recorded in section (iii) below.

³ UPUD = Unnecessary Pain or Unnecessary Distress - to cause either to livestock is expressly forbidden by Section 1(1) of The Agriculture (Miscellaneous Provisions) Act 1968.

⁴ Article 26 licence = the licence, granted under Article 26 of The Animal By-Products Order 1999, allowing the feeding to livestock of processed waste food. (Previous to 1999, this licence, then issued under The Waste Food Order 1973 (as amended), was known as an Article 10 licence.)

⁵ WATO '97 = The Welfare of Animals (Transport) Order 1997 (i.e. current legislation controlling conditions under which animals may legally be transported).

⁶ CSF = Classical Swine Fever. At the time in question, an epidemic of this disease, confined to East Anglia, was in the process of being controlled, for which purpose MAFF staff from around the country were temporarily deployed to that area.

(iii) The Waugh's waste food feeding practices

The Waugh's held an Article 26 licence (formerly an Article 10 licence - see note ⁴ above) allowing them to feed processed swill cooked at the plant of a neighbouring processor, J & J Brown of Heddon View Farm, Heddon-on-the-Wall, Northumberland. This was first granted in October 1995 and thereafter renewed annually each January, during which month the Browns' processing licence also fell due for renewal. It was my practice to visit both farms, one after the other, towards the end of each January, to inspect for renewal of Brown's processing licence and Waugh's Article 10/26 licence.

Thus Waugh's farm was visited by me not only on 24 January 2001 but during the last week of January in each of the six years 1996-2001. With regard to the timing of this visit, then, there is or was nothing sinister or suspicious. It had nothing to do with "disease" or, more specifically, with undisclosed, unrecognised or suspected FMD. Rather, it was wholly routine.

Brown would receive additional waste food-related visits through the year by MAFF technical staff, though none routinely from me. Waugh, because an Article 26 licence holder, would receive an additional visit from me, usually towards the end of July, for the purposes of clinical inspection, but no other routine MAFF visit.

My principal concern in making these visits was to verify (i) the efficiency and full effectiveness of Brown's cooking plant and (ii) the health and freedom from notifiable disease of both herds. In neither of these regards (and setting aside for the moment the separate question of welfare) did I ever have cause to doubt that all was well.

At Waugh's, as noted above, there was an additional welfare concern which the six-monthly clinical inspection for notifiable disease helped to monitor. As to fault-finding concerning his waste food handling and feeding practices, I repeatedly encouraged Waugh to keep the front of his premises (where his processed swill was off-loaded) cleaner than was his habit. I twice warned him also not to leave unprocessed swill standing by the front of his premises in uncovered barrels, which he occasionally did. My assumption at the time regarding this swill was that it was swill off-loaded by his collection wagon, for subsequent transport to and processing at Brown's, with the wagon then departing to collect further pick-ups. With the benefit of hindsight, however, I now see that this is much more likely to have been swill, dropped off close to his holding tank, *for incorporation, without prior processing, into his feeding system.* Otherwise, why not transport the swill directly to Brown's? Possibly because Brown was himself cooking that day, or because Brown did not wish to have Waugh's swill standing in storage on his premises. But since there is convincing circumstantial evidence (e.g. c1,300 pieces of cutlery

retrieved from his holding tank) that unprocessed swill was indeed on many occasions put through Waugh's feeding system, these barrels, of which I plainly took too little notice, must be regarded as one of the principal overt signs. Then again, at the time of FMD diagnosis, when Waugh's pipeline system was no longer working and the above reason for dropping off swill at this point would no longer apply, there were four barrels of uncooked swill standing there. This points, on this occasion at least, to a more "innocent" explanation - but then how long had they been there and on what date precisely did the pipeline cease to function? To neither of these questions do I have an answer.

I also twice had to remind Waugh of the requirement to keep his processed swill holding tank covered. To my knowledge he used no less than three separate lids for this purpose. His excuse for having no lid when this proved to be the case was that the lid he was using had been stolen. Since his tank was close to and in full view of Birks Road (the road past his property), this was probably true. The first two lids he used were large rectangles (the first of metal, the second of wood). The most recent, of galvanised tin, was of the same rectangular shape as the previous two except for a tea-tray sized notch removed from one corner. This notch was removed so that the lid could be placed on the tank, onto one corner of which was latterly fitted a powered grinding appliance. The significance of this is that this appliance will have been fitted onto the tank to act as a crude macerator i.e. as an appliance used to reduce the particle size of unprocessed food sufficient for it to pass, when mixed in with either processed swill (used as a carrier medium) or water, through the farm's pipeline feeding system to the pigs. It was a second positive overt sign, therefore, which I again failed to recognise, of Waugh's active flouting of the law prohibiting him from feeding unprocessed waste to his pigs. Of course, it would be instructive to know when exactly this appliance was fitted. Unfortunately I cannot say. Certainly (as evidenced by the first two rectangular lids) it was not part of the tank all along and I suspect will have been a relatively recent addition. I don't clearly recall noticing it at my December 2000 or January 2001 visits to the farm nor indeed at all until the incidence on the farm of FMD, though it may have been (indeed probably was) there for some months prior to this. Neither is the evidence of the lids conclusive, for on 24 January the tank was uncovered and I saw no lid. The first time I saw the galvanised lid was in March 2001, after the incidence at Burnside of FMD.

I did not miss the presence on this farm of FMD - in January it wasn't there, and by 22 February it was well-established and so easily seen. However, I certainly did miss the above signs of the illegal feeding practice by Waugh which led to its occurrence. The same can be said of the presence about his farm of cutlery, though for how long this was accumulating is difficult to say. I am led to believe that Waugh's pipeline feeding system failed towards the end of 2000 and did not work thereafter. Cutlery would not have started to appear in the pig pens before

this time (NB: this statement assumes that, for as long as the pipeline continued to function, Waugh would have fed his pigs exclusively by this means) and, once it did start to appear (i.e. once he started to feed unprocessed waste food by hand, which, without a functional pipeline he would be forced to do), I also believe that he would have taken some care to have it removed from the pens themselves, as its appearance in containers standing about the farm, and in quantity within a small rubbish heap by the gate, suggests. Only at the end, with Ronnie Waugh unwell and his brother unable to hold things together did this clean-up system break down such that cutlery lay about in the pens in plain view. But even then (February 2001) I failed to perceive it, and even when its presence was drawn to my attention I failed immediately to comprehend its significance (though I soon worked it out). In truth, when I visited Waugh for Article 26 purposes, I concentrated on the health and welfare of his pigs and paid scant - evidently too scant - attention to his waste food feeding practice. When he first gained his licence I saw his system in operation and satisfied myself that it was both fully functional and capable of being operated within the requirements of the law. I also then explained his record keeping obligations to him. Thereafter I assumed (naively and to my bitter regret) that he would continue to use the system in the manner intended (and authorised by licence). I never once subsequently thought (even during or at any time after the particular welfare incident recorded above): I'd better closely re-examine this man's feeding practices. And why? *Because I believed I knew what they were.* That he might wish to deviate from them in any significant manner, or indeed that he *could* - that his system might lend itself so readily to illicit manipulation - was not known to me, nor did it occur to me. Nor was his motivation plain. For he had readily at hand the means to cook and was well aware of the risks of not doing so. What is more, it would have entailed more work and effort to maintain 500+ pigs daily on barrel-fed uncooked swill than on pipeline-fed cooked swill. So why *not* consistently cook?

The most "straightforward" answer, as intimated above, is that he *did* cook - but not consistently, not all the time, but merely just enough to be able to feed his pigs by pipeline. Cooking takes lots of time - the best part of a day for the entire process - therefore every cooking operation saved equals a day's time saved and time to Waugh (given his dual role as pig farmer and Cheale's North-East agent) would have been precious. That said, the proper functioning of his pipeline was also very important to Waugh, and for much the same reason i.e. because feeding his pigs this way was relatively quick and simple, whereas feeding without it would be a long hard daily job. So the likeliest scenario is that Waugh cooked perhaps once a week (see Appendix Two below), then mixed unprocessed waste food in with his processed swill, and then (perhaps with the addition of water to thin the mixture) piped the resultant gruel through to his pigs. He would therefore (in his eyes) achieve the best of both worlds - a minimum of cooking (perhaps as little as 25% of what full compliance

with his licence would require) and a piped, very easily managed feeding system. It is perhaps also worth making the obvious point that cooking consumes oil (the Browns' boiler is oil-fired) and that oil costs money. Given the adverse economics of pig-keeping during this period, this would have been a further incentive to the Waughs to minimise the boiling of their swill.

The alleged failure of the pipeline system together with its non-repair seem to me of the greatest significance. First of all, why should a system, apparently so simple and reliable, fail? Most probably because it was choked to a standstill with raw swill, a product which, even in dilution and even put through a macerator, it was never designed to handle. Second, what evidence is there, other than word of mouth, that it *did* fail? The secondary large covered green holding tank at Burnside Farm stands threequarters full of very old and stale swill, left stranded there, unusable, once the pipeline blocked. Though this proves nothing, it certainly lends credence to the suggestion of pipeline dysfunction. And thirdly, what of this question of "significance"? Simply this: if the Waughs were men of integrity whose sole intention was to feed in strict accordance with the law, then the proper functioning of their pipeline would, as noted above, be of primary importance to them and, once it was blocked, they would have needed to do everything within their power to get it working again as quickly as possible. Only if they were quite content to feed without cooking would they not bother to have the blockage remedied - as appears to have been the case. Possibly, too, they believed the time they saved in cooking little or none of their swill was a favourable trade-off for the much greater time and effort required of their employee in feeding the pigs uncooked swill daily by hand. Possibly they only cooked when they believed an inspection visit was due i.e. for appearances sake. Possibly they cooked only when they had particularly young pigs on site (because cooked macerated swill would be more palatable to young pigs than uncooked). Or possibly, and most deviously, at some point late in 2000 (and with the then-current epidemic of CSF to exercise their minds) the Waughs merely decided to start feeding their pigs a diet comprised wholly of uncooked swill in the hope of deliberately acquiring an outbreak of notifiable disease of their own and so cashing in their herd for a favourable valuation.

In fact, since their illicit feeding practices appear to predate this time by a significant margin (see Appendix One para (2) + Appendix Two below), an explanation so wholly cynical as the last one above is unlikely. But at the least, the advent of CSF in the summer of 2000 ought to have served as a warning to the Waughs of what might befall anyone feeding unprocessed waste to pigs. But did this warning stop them? Plainly not. Did it then *encourage* them? Did it spur them on? Or were they merely blindly indifferent to the possible consequences (in the event, profoundly serious, damaging and far-reaching consequences) of their actions? The truth is known only to them.

Whatever their thinking and whatever their behaviour, there must have been a reason, some reason why, that seems or seemed valid to the Waughs. That such a reason might occur to them but not (until too late) to me, their MAFF inspector, constitutes a failure of the imagination on my part which, allied to the failures of perception noted above, is hard to forgive. After all, a mere *ten days* before FMD virus was introduced into this pig herd, and at a time when illicit feeding practices were clearly in train, and had been for some time, I inspected this premises with a view to renewing the Waughs' Article 26 licence. Had this inspection been more rigorous than it was, had the licence not been renewed, or renewed only subject to radical revision of the Waughs' patently deficient feeding technique, then this awful 2001 FMD epidemic would never have come about. Of course, hindsight is always 20/20, and between that and total blindness is a long way. All the same, my feeling now, eight months on, is that in January 2001 I tended more to the latter than the former, with consequences which could scarce have been worse.

SIGNED: DATED:

APPENDIX ONE

INDICATORS OF UNLAWFUL FEEDING AT BURNSIDE FARM:

(1) ABSENCE ON THE MORNING OF FRIDAY 23 FEBRUARY OF ANY COOKED SWILL EITHER AT BURNSIDE FARM OR HEDDON VIEW FARM ON WHICH WAUGH'S PIGS COULD BE FED

The only feed available to Waugh at this time was a wagon-load of *uncooked* swill. **If the Waughs were feeding legitimately at this time, where was this day's food?** It will not do for Waugh to say that he was prevented from cooking the previous day by MAFF presence. Waugh, according to his own testimony, believed up to late on Thursday afternoon that his pigs were well. He must therefore have believed that, come Friday, MAFF would be gone from his farm, having given his herd a clean bill of health, leaving him free to return to normal activity. Since both the Waughs plus their employee were on site on the Thursday, and since in any case MAFF staff did not arrive until 2pm, there was nothing to stop one of them going over to Brown's either during the morning or the afternoon to cook Friday's food. So why didn't they? *Because it was not their habit to do so.* Because Friday's intended food was *already* on Burnside Farm, on the back of their collecting lorry: several barrels of *uncooked* swill.

(2) CUTLERY

Barrels of unprocessed swill, sourced from catering establishments such as hotels, restaurants, canteens and school or hospital kitchens, commonly contain one or more pieces of cutlery. This is because, when kitchen staff discard waste food off a dinner plate and into the swill barrel, a knife or fork, or maybe both, sometimes goes accidentally into the barrel also. Though some of this cutlery will be retrieved there and then, some will not. All those pieces unretrieved are duly taken, mixed in with the unprocessed swill, back to the swill-feeder's pig farm.

Once back at the farm, in order to comply with the law and before it can be fed, this swill must be processed. All of Waugh's swill is meant to have been processed at Heddon View Farm, in the occupancy of J & J Brown. The simplest processing systems involve tipping the waste food into a tank, adding water, heating the mixture and then scooping the processed product back out with a bucket before feeding to pigs. It can be seen that a knife or fork may readily pass through such a system, being tipped into the tank along with the unprocessed food, then scooped out again along with the processed food, before eventually being decanted, still in the cooked food, into a pig trough. However, in more automated cooking systems, the passage of metal cutlery through to the processed food end-product becomes less likely or indeed impossible, depending on the nature of mechanical barriers which impede or preclude such passage.

The presence or absence of cutlery in the pens of swill-fed pigs, then, can be an accurate indicator of the type of cooking process to which the swill has or has not been subjected.

Due to its incorporation of a macerator, no individual piece of cutlery can pass through the Heddon View processing unit and so into the processed waste food fed to the Heddon View and Burnside pig herds⁷. Thus, *though the **unprocessed** waste food arriving at Heddon View Farm may contain cutlery, the **processed** waste food produced there may not.* Therefore, if feeding was carried out strictly in accordance with the law, no item of cutlery should have been found in any Heddon View or Burnside pig-pen (and indeed, in respect of Heddon View, none *was* found). In addition, since Waugh was supposedly introducing only processed waste food into his automated Burnside Farm feeding system, no part of this feeding system, either, should have contained any piece of cutlery.

In fact, large quantities of cutlery were found at Burnside Farm, both disposed about its grounds (not itself directly indicative of illegal activity) but also within pens and the feeding system. Individual pieces were present in many of the pig pens, indicative of the feeding, direct from the barrel, of unprocessed⁷ (because cutlery-containing) swill. Though on the morning of Friday 23 February I gave permission for such feeding to take place (see Part One of this document), the pens seen to contain cutlery included several of those not occupied by pigs during this immediate period. This indicates that such feeding, in these pens at least, pre-dated this particular day, thereby making it illegal. In some of the pens then-occupied, cutlery was also seen with old, dried faecal material adherent, showing it to have been there for some time, and thus again illegally⁷ introduced.

Over and above cutlery in the pens, circa 1,300 pieces were retrieved from the bottom of the first Burnside swill-holding tank (i.e. the input point into the automated feeding system of the supposedly processed swill). As noted above, if only processed swill had gone into this tank, the number of pieces of cutlery retrieved from its bottom should have been nil. What the presence of cutlery indicates is the introduction into this tank of unprocessed⁷ (because cutlery-containing) and therefore illegally-fed swill. What the quantity (c1,300 pieces) indicates is feeding by this illegal means not on the odd occasion but repeatedly over a very long period. How long? At least long enough for 1,300 knives, forks and spoons to accumulate, however long that is. (Precision here is not possible, for a barrel may contain three or four or five pieces of cutlery, but may equally well contain none. All you can conclude is that 1,300 pieces of cutlery - and this, of course, may have been merely the latest of many such batches previously removed from the tank - indicates a sustained and wilful flouting of the law rather than an individual instance or even isolated short period of transgression.) Two ashtrays plus Chinese

porcelainware, also retrieved from the tank's bottom, are likewise indicative of unprocessed waste throughput.

⁷ Waugh claims that, macerator notwithstanding, the cutlery in both his holding tank and his pig pens came over from Heddon View Farm in barrels of **properly processed** waste food. Though this is inconsistent with the statement that the Heddon View processing plant would not allow the passage of cutlery, Waugh claims to have emptied the cooling tank there manually, by bucket, rather than automatically, by macerator/pump and hose. He claims, in other words, to have short-circuited the system such that it *would* allow the odd piece of cutlery through. This gives him an explanation, other than illegal feeding, and which is at least theoretically possible, for the presence of cutlery in his holding tank and pig pens. It is an explanation, however, devoid of any shred of credibility. Why would he choose to manhandle, with a bucket, between five and six tons of swill a day (see below) when there was a perfectly serviceable pump available to him to shift the stuff from tank to barrels automatically? (NB: the pump is known to have been in good working order, for it was periodically used by the Browns to feed their own pigs without problem.) The Waughs neither employed sufficient manpower nor themselves had sufficient time to be able to work their system in this tremendously labour-intensive and time-consuming fashion, even if, for some unfathomable reason, they had wished or attempted to do so. This "explanation" amounts, in my view, to nothing more than a transparent fabrication concocted for self-serving, exculpatory reasons i.e. to explain away otherwise damning evidence of wrongdoing.

(3) NON-FUNCTIONING OF THE PIPELINE SYSTEM

See text above. If feeding legitimately, the functioning of the pipeline would have been critical to the Waughs. They could not have managed long without it and, once blocked, would have needed to get it repaired with an absolute minimum of delay. (Note: one ton of cooked swill feeds an average 90 pigs per day [extrapolated from ADAS data⁸]. Thus Waugh's herd of 527 pigs would have required **between five and six tons (or circa 1,300 gallons)** of swill per day to feed them - to manhandle such huge quantities by bucket on a daily basis is plainly a wholly impractical proposition - see note ⁷ above.)

If feeding uncooked, however, the pipeline's loss would have been of much less significance to the Waughs. Why? Because uncooked swill cannot be piped in the same way that cooked swill can - the presence of a functioning pipeline system thus ceases to become critical. That latterly they fed without one for some weeks or months strongly suggests, therefore, that the food fed during this period was *not* processed before feeding.

⁸ Reference: *Pigs: swill feeding* - ADAS Booklet 2277, published 1984

(4) MACERATOR FITTED TO WAUGH'S HOLDING TANK

No reason other than to add unmacerated waste to his feeding system. Catering waste is traditionally high in carbohydrate but deficient in protein. Barrels of chicken and butcher's waste stood both under and inside the two lorry-backs standing near the holding tank: if not to feed (uncooked - thus illegally - as a protein supplement), then **why?**

(5) THE PRESENCE IN WAUGH'S HERD OF FMD

Prior to its appearance at Burnside Farm, FMD had not been seen in mainland Great Britain for 33 years. Furthermore, prior to 2001, the strain of virus responsible for this last epidemic (type O pan-Asiatic) had never previously been seen in Western Europe ever. It had previously caused disease only once outside Eastern Europe/Asia - in South Africa in September 2000. Though the South African epidemic involved principally cattle, where was disease there first detected? **On a swill-feeding pig farm** - exactly as was to happen here five months later.

That the South African and UK epidemics should have had a similar beginning is no coincidence. The Northumberland Report, written after the 1967-8 epidemic, recognises (in Part Two, para 200) the "specific danger" posed by swill with regard to the introduction of FMD. Table X (Part One, page 77) shows that in the period 1954-1967, 70% of the 179 "first cases" appearing in this country to which a definite source was attributed had the source recorded as "imported meat/meat wrappings". The other significant source during this period was direct cross-Channel spread (because during this time there was a great deal of disease in France (particularly) and Belgium). In the present time, when disease in Northern Europe is routinely non-existent and this second source of introduction thus removed, imported meat remains the single sole significant recognised risk.

But there is an anomaly here. For though swill both is and has for many years been recognised as the likeliest single means by which FMD may be introduced into a disease-free UK animal population, yet the processing of swill was required by law to prevent this very thing. Thus its emergence in clean country on a pig farm tells you not merely that the pigs are almost certainly being fed swill, *but also that the swill is not being processed* (or at least merely improperly so). For, via properly cooked swill, disease cannot be transmitted; via uncooked swill it most certainly can be. With regard to FMD at Burnside Farm, then - uncooked swill apart, **where else could it have come from?**

The most obvious answer to the above question is - from another, previously-infected pig farm. After all, the Waughs were collecting cull sows from other North-Eastern pig farms on a regular basis and it is plainly possible, at least potentially, that they inadvertently introduced disease into their herd from elsewhere. But once FMD was identified at Burnside, all these other farms were visited by MAFF vets as a matter of

urgency. No disease, either recent or well-established, was found at any one of them. And in any case, since swill-fed pigs may travel only direct to slaughter, (and therefore not legally from the producing farm to the abattoir via the Waugh's home premises) none of these other premises could possibly be licensed swill-feeders, as were the Waugh's, so the risk of disease appearing first at any one of them rather than at Burnside is thereby slashed at a stroke (see risk analysis below). Moreover, no infected farm of any description (i.e. with cattle, sheep, pigs or any combination) was found to be carrying animals with lesions which predated those of the Waugh's pigs. In every outbreak, however large or small, there has to be a first or index case. In respect of the UK 2001 outbreak, all the evidence points to the index case being that of Burnside Farm.

But returning to the particular risk posed by swill-feeding: to suggest that disease should emerge in clean country on a swill-feeding premises and yet *not* be connected to swill-feeding is to strain credibility beyond breaking point. But, even so, let us consider for a moment the possibility of a random introduction: say the virus was introduced into this country as the result of an arbitrary event (for instance, the migration from South Africa to the UK of a swallow - ignoring for the moment that swallows do not migrate in winter, when the disease first appeared here). What are the chances of a swill-feeding premises being the unlucky chance recipient of the virus? Since there are approximately 165,000 livestock farms in the UK (2000 Census figures) and were, early in 2001, 93 licensed swill-feeding premises, it follows that on a purely random basis the chances of infection on a swill-feeding premises are a lowly one in 1,774⁹ or 0.056% (and yet, time and again, it is this type of premises on which disease *has* first been found). The chance of disease appearing specifically but randomly at Burnside Farm is one in 165,000, or 0.0006%, or six in a million. Added to this, all Waugh's pigs were housed, so no passing bird could readily infect them; nor, likewise, could any passing traveller with the carelessly-discarded remains of a ham sandwich. The road on which Burnside Farm stands is a dead-end and thus carries no through-traffic. Nor does any public footpath run through the property. Neither of the Waugh's themselves had recently travelled abroad. All these things mitigate *very heavily* against the emergence of FMD at Burnside Farm being a mere random, chance or indiscriminate event. Rather, the presence at Burnside on 22 February of old FMD, taken in conjunction with the other five indicators noted in this appendix, make a compelling case against the Waugh's concerning the non-processing of their waste food. They chose to feed without cooking - many thousands of others (indeed, every taxpayer in the land) paid the price.

⁹ If management scale is factored in (i.e. the recognition that such pig enterprises are typically small, self-contained and intensively run compared with sheep enterprises in particular, which are typically extensively managed on much larger,

open areas of ground with significantly greater headage - all these things making for a statistically greater likelihood of chance incursion) then these odds grow even longer.]

(6) THE ABSENCE OF DISEASE AT HEDDON VIEW FARM

By the time the last of them came to be killed, FMD virus was being actively excreted by the pigs at Burnside for more than a fortnight. On the face of it, it is very remarkable that in all this time disease appears not to have spread the short distance from Burnside Farm to Heddon View Farm. After all, if Waugh was cooking at Heddon View as he alleges, the traffic of both personnel and vehicles/equipment between the two premises would have been regular. Waugh would have had to occupy Brown's reception area and use Brown's cooking equipment on at least four and more likely six occasions during this period, with virus contamination of Brown's premises and onward transmission to Brown's pigs a near certain consequence - for surely in these circumstances the spread of disease from one herd to the other would have been inevitable. However, if Waugh was *not* cooking his swill, there would be no need for him to visit Heddon View Farm; there would be no such movement of either personnel or vehicles between the two places, and he personally would *not* have been the means of transferring infection from his pigs to Brown's. Brown's livestock in this circumstance would have been at considerably less risk of becoming infected at all.

At slaughter, all of Brown's animals were visibly clean, which points once more to the conclusion that Waugh, *because not cooking*, had not recently been near.

APPENDIX TWO

SUBSTANCE OF A CONVERSATION BETWEEN J BROWN SENIOR AND MYSELF WHICH TOOK PLACE IN THE FRONT YARD OF HEDDON VIEW FARM ON THE EARLY MORNING OF SUNDAY 25 FEBRUARY 2001. THIS SUBSTANCE WAS RECORDED CONTEMPORANEOUSLY BY ME IN A MINUTE WRITTEN IN THE EARLY HOURS OF THE FOLLOWING DAY. ON ITS COMPLETION, I E-MAILED THE MINUTE TO A D HAYWARD, DVM CARLISLE; HE, I BELIEVE, FORWARDED IT TO PAGE STREET, LONDON, WHERE IT WILL NOW DOUBTLESS SIT SOMEWHERE ON FILE. THE CONVERSATION BETWEEN MR BROWN AND MYSELF WAS ALSO WITNESSED AND OVERHEARD BY J A STOREY, T/SAHO NEWCASTLE. MR BROWN WAS NOT GIVEN ANY FORM OF CAUTION PRIOR TO THIS CONVERSATION, THE NATURE OF WHICH WAS FRANK BUT INFORMAL.

I asked Mr Brown frankly about Waugh's cooking and feeding practices:

Q: In the past three weeks, how often had Waugh cooked waste food in the Heddon View plant?

A: Once a week.

Q: How often would Waugh need to cook at Heddon View in order to feed his herd totally on cooked waste food?

A: Twice a week minimum.

Q: Had Waugh's regularity of cooking diminished of late?

A: No, once a week had been his average all along.

Q: So you suspected that Waugh was a persistent and regular feeder of unprocessed swill?

A: Oh yes.

APPENDIX THREE

CONSIDERATION OF WHETHER IT IS REASONABLE TO BELIEVE THAT THE WAUGHS, THOUGH AWARE OF ITS PRESENCE, DELIBERATELY CHOSE DURING FEBRUARY 2001 NOT TO REPORT SUSPICION OF NOTIFIABLE DISEASE IN THEIR PIG HERD

(1) Having myself on 24 February seen day-one FMD in four sows at Burnside Farm, and having noted the acute and blatantly obvious distress caused to these animals by their associated foot lesions, I cannot believe that such signs could have gone unnoticed by anyone tending similarly-lesioned animals in any number on this farm. Lesions of advanced disease seen by myself in many pigs during the period 22-25 February indicate that the number of such similarly-lesioned animals present here in previous days will have been significantly high.

(2) But what exactly does *previous days* mean? Visible signs of FMD are believed by Dr Kitching to have been present at Burnside since 12 February or thereabouts and so the time period in question runs from this date through to MAFF's visit on the afternoon of the 22nd - though the majority of lesions will have appeared acutely in the earlier part of this spell rather than the latter. Going back to 12 February, then, it is conceivable that one or other of the Waughs noted one or two lame pigs on that date but decided to do nothing but "wait and see". Given that they would at this point have no reason to suspect the true cause of the lameness, their failure to notify suspicion of notifiable disease could not at this stage be criticised.

(3) However, the epidemic nature of the disease is such that, on each day immediately thereafter, the number of visibly-affected pigs would rise exponentially. As soon as this fact became evident (and I do not see how it could plausibly be overlooked), then the Waughs should have taken positive action to establish a diagnosis, either through a private veterinary surgeon (who would have been duty-bound to notify his suspicions to MAFF), or directly through MAFF.

(4) So why not do so? Possibly because, though unwell, none of the pigs were actually dying. Indeed, the first-affected would start to show signs of "recovery" after three or four days. Perhaps they believed, then, that they could "ride it out". Another possibility is that, *because never present on farm*, the Waughs were in fact unaware of the true condition of their pigs. Even if this were so, it would not, of course, absolve them of responsibility, for ultimately they must take responsibility for the decisions and actions not only of themselves but also (whilst at work) of their employee(s). Quite possibly the pigs were being tended on a daily basis by a farm-hand who took sufficiently little interest in their condition to care about a wave of illness sweeping through them, much less to do something about it. Still, sooner or later, the Waughs themselves would

necessarily have become aware of illness in their pigs, either by being verbally informed of the problem (by their employee) or by discovering it for themselves.

(5) Thus the next question is this: could the Waughs reasonably be expected to recognise FMD once it occurred on their farm, or, if not immediately, then *when?* Since in mid-February there was no epidemic and thus no thought in anyone's mind of particularly looking out for the disease, it is reasonable to conclude that, on first seeing acutely lame pigs at this time, the Waughs would *not* immediately say: "Ah, Foot and Mouth!" After all, neither of them is likely to have seen the disease before. However, I was told by Ronnie Waugh that during the 1970s the brothers *did* have experience of Swine Vesicular Disease (SVD). SVD, an otherwise minor vesicular condition affecting pigs only, was made notifiable for one reason only: *because the presenting signs of porcine FMD and SVD are clinically indistinguishable*. Though the Waughs may not have seen pigs with FMD, then, they *have* seen pigs with a notifiable disease which looks exactly like FMD. So when significant numbers of their pigs started to show signs of illness in mid-February, Ronnie Waugh should have been able to say to himself: (1) This looks like SVD; (2) Since SVD and FMD look the same, this could actually be FMD; and (3) Whichever of the two it is, both are notifiable, both are trouble, so I'd better get on the phone quick sharp. Yet no such phone-call was made.

(6) The first public suggestion of FMD in the country was made on Monday 19 February when it was announced that a possible case was being investigated at Cheale's abattoir in Essex. Since the Waughs have close links with Cheale's, they would have become aware of this development very quickly. If the thought of FMD in the country was previously in no-one's mind, as of this date (19 Feb), this was no longer the case. So from this point on, there becomes increasingly less excuse for the Waughs not to act i.e. not to report suspected notifiable disease on their own premises. They supplied Cheale's regularly with pigs (up to and including the end of the previous week). They had obvious epidemic disease in their herd. Now FMD is reported at Cheale's - yet still the Waughs say nothing.

(7) Once disease is confirmed at Cheale's, MAFF's first checks are back to the three farms which sent in the pigs showing signs of disease. None of these farms has any sign of FMD in its resident livestock. So checks are instigated to all other premises which have supplied Cheale's with pigs in the past 14 days. A list of approximately 600 such premises is produced and circulated around the country for checks to begin. Disease is found at one of them, and one only: Burnside Farm, Heddon-on-the-Wall.

(8) When on Wednesday 21 February I telephoned Waugh to explain that I needed to come and inspect his pigs, he already knew why. He told me he was well aware of the situation at Cheale's. Yet when I asked him if his pigs were well (and despite the fact that FMD at Cheale's must have

planted thought of the disease firmly in his mind), he told me they *were* well; that there were currently no disease problems at Burnside Farm. Subsequent events proved this to have been a patent, brazen lie. What is more, when I arrived at Burnside at 2pm the next day, I again asked the question and the same, fallacious response was repeated - and at this point, there could be *no* excuse (such as previous absence from the farm) for such ignorance/dishonesty. So why lie in this way? No logic can explain it. But the Waughs' attitude all along has been one of denial - not merely of overt wrong-doing but of any connection between themselves and their activities at Burnside and the subsequent country-wide epidemic of disease - and what the above lies seem to me to represent is but another manifestation of this same malign process of self-delusion.

(9) So at what point would it be reasonable to have expected the Waughs to report suspicion of disease in their herd? **If they were aware of its presence** (i.e. if they spent time on the farm), then the answer is: as soon as the epidemic nature of the illness amongst their pigs became apparent. Based on epidemiological opinion, I would date this period as beginning on 14-15 February. With each day following this, there would be less and less excuse for a competent or conscientious stockman *not* to report. Why? Because, as the epidemic took hold of the herd, overt disease would have appeared in more and more pigs every day, thus making it harder and harder to miss, or misconstrue, or merely ignore¹⁰. But even making allowance for the degree of competence or conscientiousness of the Waughs, or assuming that they visited the farm sufficiently rarely that they might not actually have *seen* the state their pigs were in (even if they had been told), still once the suspicion of disease at Cheale's was made known, then the Waughs should have (and in my belief certainly would have) known of its relevance to their own disease problems - by now, then, the act of non-reporting becomes ever more difficult to justify. Finally, when I know they were present on-farm (where I first telephoned and then visited them), and whilst aware (for how could they not be?) that their pigs were ill, and knowing too that there was FMD not only in the country but in the abattoir to which they routinely sent their pigs, *still* they volunteered absolutely nothing by way of notification or suspicion of disease. When directly asked if their pigs were well - when, in other words, offered the chance to concede that they were not; that there might in fact be a disease problem on the farm which might warrant investigation, and without delay, they chose rather to lie, baldly, stupidly and quite pointlessly. Merely to postpone the inevitable in a situation where every day, indeed every hour, might make all the difference.

(10) But is the rapid reporting and diagnosis of suspected disease really so important? Does a day or so either way really matter? To quote from a Defraweb brief entitled "Current Outbreak: Comparisons With 1967":

The ability to control an outbreak is directly proportional to the speed with which it is reported.* The

*primary outbreak which triggered the current (2001) epidemic was **never*** reported. It was only detected after pigs had been sent to an abattoir hundreds of miles away. By then, infection had already spread to other farms across the country.*

*(*my emphasis)*

By 28 February, indeed, disease was established in no less than 12 counties dispersed throughout England and Wales, having been moved there via sheep/pigs from Northumberland in the period when disease was present in the country but undisclosed. The epidemic was already, then, underway and running unchecked, out of control, with no chance of containing it from this point other than through a long, bitter and arduous eradication campaign.

Had disease been reported rather earlier, the subsequent picture might have been very different. And the simple answer to each of the two questions posed above is: *Yes*.

(11) In spite of this, did the Waughs deliberately decline to report suspicion of disease in their pigs when it was plainly their duty to do so? Yes, of course they did - knowingly, recklessly, repeatedly. No other conclusion is possible.

¹⁰ Though there is necessarily some supposition concerning timescales here, there is also certain hard evidence to add weight to the ultimate conclusions. Specifically, on Saturday 24 February 2001, 221 blood samples were taken from pigs in the Burnside herd. Of these, 195, or 88%, tested positive for FMD antibody. If it is accepted that a pig will not show a positive antibody response until at least five days post first visible lesions, and not show visible lesions until circa three days post first infection, then this means that by Friday 16 February (i.e. eight days before the blood-test date), 88% of the Burnside herd was already infected with the virus and by Monday 19 February (i.e. five days before the blood-test date), **88% of them were already showing, or had already shown, patent, visible lesions.**

This shows clearly that disease was:

(a) indeed on the farm for many days before MAFF visited on the 22nd (this can be surmised because a level of 88% infection on 16 February, scaled up from a presumed initial infection in a single animal, must itself have taken several days)

and

(b) because *visibly* present in so many animals (and 88% of 527 - the size of the Burnside herd - is **464** pigs), therefore surely impossible to overlook by any "innocent" means.