

March 16, 2009

Regulatory Analysis and Development, PPD
APHIS, Station 3A-03.8
4700 River Road
Unit 118
Riverdale, MD 20737-1238

Re: The National Animal Identification System and Docket No. APHIS-2007-0096

Dear Secretary Vilsack:

The undersigned organizations request that you halt implementation of the National Animal Identification System (NAIS) by the USDA Animal and Plant Health Inspection Services. First, we ask that you do not adopt the proposed rule, published January 13, 2009, that would mandate NAIS premises registration for federal disease control programs and limit the use of the animal identification numbers to NAIS-compliant systems. Second, we ask that you halt implementation of the NAIS Business Plan, including funding of cooperative agreements.

President Obama's Rural Plan includes several relevant points: Preventing anticompetitive behavior against family farms, regulating CAFO's, supporting local family farmers, and promoting regional food system policies. All of these policies would be damaged by implementation of NAIS by your agency.

Contrary to its stated purposes, NAIS will not address animal disease or food safety problems. Instead, NAIS imposes high costs and paperwork burdens on family farmers and creates incentives for CAFOs and vertically integrated systems. This burdensome, ill-conceived, and badly implemented program will undermine the President's vision for rural America.

Background:

The USDA's plans for NAIS describe a far-reaching three-step program that calls for every person who owns even one livestock or poultry animal to register their property, tag each animal when it leaves the property it was born on, and report a long list of movements to a database within 24 hours. The listed species include chickens, horses, cows, sheep, goats, pigs, llamas, alpacas, elk, deer, bison, turkeys, and more. The provisions would apply to every person with even one of these animals, whether or not it is used for commercial purposes, and would directly impact millions of people who own these animals. Group or lot identification would only be allowed where animals are managed as a group from birth to death and never commingled with animals outside of their production system. In practice, group identification would apply mainly, if not entirely, to confined animal feeding operations (CAFOs) and vertically integrated operations.

The USDA under President Bush issued the first guidance documents for NAIS in 2005, and included plans to make the program mandatory by 2009. After a public outcry, the agency stated that NAIS was "voluntary at the federal level," but it continued to fund mandatory state-level implementation of NAIS. The agency also supported the states' use of coercive measures, such as requiring NAIS premises registration for participation in 4-H events or disaster relief.

The last step taken by USDA under President Bush was the issuance of a proposed rule that would mandate NAIS premises registration as the sole form of property ID for disease control programs. The proposed rule also lays the groundwork, through definitions, for the next step of mandating animal identification.

There is widespread opposition to NAIS across the country. Four states have passed laws that prohibit their state agencies from implementing a mandatory program: Arizona, Kentucky, Missouri, and Nebraska. Over a dozen bills have been introduced in other states since 2007 to either bar NAIS completely or to limit it to a voluntary, non-coercive program. States that have considered or are currently considering such bills include: Arkansas, Colorado, Illinois, Indiana, Louisiana, Massachusetts, Montana, Oklahoma, South Dakota, Tennessee, Texas, Utah, Virginia, and Washington. USDA has ignored the serious concerns states have over the costs and effectiveness of NAIS and continued to push forward with the NAIS program.

Our Concerns:

The NAIS is fundamentally flawed and in conflict with the Administration's policy goals for multiple reasons:

- 1) No analysis or quantification of the alleged benefits: The USDA has made unsupported assertions that our country needs 48-hour traceback of all animal movements for disease control. Yet the USDA has failed to provide any scientific basis, including such things as risk analysis or a scientific review of existing programs, to support this claim. The USDA has also asserted that NAIS would provide 48-hour traceback, but has failed to address the many technological and practical barriers. The experience in Australia, which has implemented electronic tracking of cattle and which has seen an exploding bureaucracy and millions of unaccounted animals, shows that the program will not accomplish what is claimed. The existing disease control programs, combined with measures such as brand registries and normal private record-keeping, have provided cost-effective traceback. A new and costly program such as NAIS is unnecessary and potentially counterproductive.
- 2) No analysis or quantification of the costs: In 2007, USDA provided a grant to Kansas State University to conduct a cost-benefit analysis. Yet, as of March 2009, the agency has yet to produce any cost-benefit analysis. The NAIS program would involve extensive costs, including:
 - a. Premises registration database & updates;
 - b. Tags, mostly electronic, and related equipment, such as readers, computers, and software;
 - c. 24-hour reporting requirements, imposing extensive paperwork burdens;
 - d. Out of pocket expenses, labor, stress on animals;
 - e. Qualitative costs – religious freedoms, privacy, loss of trust in government.

As shown in some earlier work done by Kansas State University, the costs are significantly higher for people with smaller herds. With approximately 96 million cattle, 9 million horses, 9 million sheep and goats, and millions more poultry, pigs, llamas, alpacas, and other animals that will be individually tagged and tracked, NAIS will cost animal owners and taxpayers billions of dollars.

- 3) No food safety benefits: NAIS will not prevent foodborne illnesses, such as e. coli or salmonella contamination, because the tracking ends at the time of slaughter. Food safety is better served by focusing on programs such as increased testing for bovine spongiform encephalopathy (BSE or Mad Cow), improved oversight of slaughterhouses and food processing facilities, and increased

inspections of imported foods. Programs such as NAIS that burden small, sustainable farmers will hurt efforts to develop safer, decentralized local food systems

- 4) Unfair burdens placed on family farms and sustainable livestock operations: In addition to the costs, the NAIS would impose significant reporting and paperwork burdens on small farms. In addition, sustainable livestock operations, which manage animals on pasture, would face higher rates of tag losses than confinement operations due to animals getting their tags caught on brush or fences. NAIS discriminates against family farmers and favors CAFOs, with the accompanying social and environmental concerns.
- 5) Rewards vertical integration and consolidation: The USDA's guidance documents provide that "animals that typically move through the production chain as a group of animals of the same species can be identified by Group/Lot Identification Numbers (GINs), rather than individual numbers. This practice is most common in the poultry and pork industries. However, group/lot identification may be an option for other species when they move through the production chain as a group." In practice, this means that companies who maintain ownership of the animals throughout their lives – as is done in vertically integrated confinement operations – will be relieved of most of the costs and paperwork burdens of NAIS.
- 6) Loss of trust in the government: The proposed rule is the latest in a series of ambiguous and confusing documents. Under the proposed rule, it appears that tattoos and brands will still be allowed, but the language is confusing and unclear. This will increase the costs, both quantifiable (such as the costs to agencies of education and enforcement under the proposed rule) and qualitative (such as the loss of trust in agencies by animal owners). For more than two years, USDA has misled farmers by claiming that NAIS is a "voluntary" program while funding cooperative agreements with states to implement NAIS using coercive and deceptive tactics (e.g., data mining and denying disaster relief to those not enrolled in NAIS).
- 7) A disincentive for individuals to be involved in farming or animal husbandry of any kind: The costs and government intrusions that would result from NAIS will cause many to leave farming or to choose not to enter the profession. For Amish, Mennonites, and people of some other religious affiliations, the universal numbering system under NAIS violates their religious beliefs. With an acknowledged crisis of an aging farming population, the long-term costs imposed by creating disincentives for people to enter or remain in farming could be extremely damaging to our ability to raise food in this country and to rural economies.
- 8) Ethical concerns: The USDA's working groups were initially drawn from the working groups established by the National Institute for Animal Agriculture (NIAA). The NIAA is an industry trade organization, and the members of the working groups included many companies who stood to profit directly from the implementation of NAIS, such as tag manufacturers and database management companies. These conflicts of interest have never been addressed. Additionally, the plan calls for privatized databases, leaving farmers and ranchers vulnerable to the misuse of their confidential information. Moreover, the USDA has allowed for little-to-no involvement of average animal owners who will be directly impacted by NAIS.
- 9) Too much time and money spent already, with no result: USDA established working groups in 2002, and has spent over \$130 million since 2004. Yet the agency still failed to produce a workable plan. In these tough economic times, we cannot afford to spend good money after bad.

10) Alternatives: Using the USDA's resources on alternative approaches would provide significantly greater benefits for both animal health and food safety. Measures such as increased inspections of imports and more rigorous enforcement of regulations on slaughterhouses are clear areas for improvement. Domestically, focusing on high-risk areas such as CAFO's would be consistent with both good science and good economics.

For these reasons, we strongly urge you to stop implementation of the NAIS by the USDA, starting by withdrawing the January 13 proposed rule. We thank you for your consideration.

Sincerely,

Adopt a Farm Family
Alabama Sustainable Agriculture Network
American Goat Society
American Grassfed Association
American Policy Center
American Raw Milk Producers Pricing Association
Arkansas Animal Producers Association
Ashtabula Lake Geauga Counties Farmers Union (OH)
California Farmers Union
Carriage Operators of North America
Cattlemen's Texas Longhorn Registry
Colorado Independent Cattlegrowers Association
Community Farm Alliance
Cornucopia Institute
Dakota Rural Action
Davis Mountain Trans Pecos Heritage Association (TX)
Downsize DC
Empire State Family Farm Alliance (NY)
Fair Food Matters (MI)
Family Farm Defenders
Farm Aid
Farm and Ranch Freedom Alliance
Farm-to-Consumer Legal Defense Fund
Food and Water Watch
Food for Maine's Future
Freedom 21
Innovative Farmers of Ohio
International Texas Longhorn Association
Iowa Citizens for Community Improvement
Local Harvest
Maine Alternative Agriculture Association
Maine Organic Farmers and Gardeners Association
Massachusetts Smallholders Alliance
Mesa County Cattlemen's Association (CO)
Michigan Farmers Union
Michigan Land Trustees
Michigan Organic Food and Farm Alliance
Missouri Citizens for Private Property Rights

Missouri Farmers Union
Missouri Rural Crisis Center
Missourians for Local Control
Montana Cattlemen's Association
Montana Farmers Union
National Association of Farm Animal Welfare
National Family Farm Coalition
Northeast Organic Farming Association - Massachusetts
Northern Illinois Draft Horse and Mule Association
Northern New Mexico Stockman's Association
Northern Plains Resource Council
Ohio Farmers Union
Organic Consumers Association
Ozarks Property Rights Congress (MO)
PFUSA Grange #835 (CA)
Powder River Basin Resource Council (WY)
Progressive Agriculture Organization (PA)
Property Rights Congress
R-CALF USA
Regional Farm and Food Project (NY)
Rural Vermont
South Dakota Stockgrowers Association
Sovereignty International
Sustainable Food Center (TX)
Texas Eagle Forum
Texas Landowners Council
Tuscaloosa Property Rights Alliance (AL)
US Boer Goat Association
Virginia Land Rights Coalition
Western Organization of Resource Councils
Weston A Price Foundation
White Earth Land Recovery Project
Whole Lunches (MI)
Wintergarden Sustainable Agriculture Coalition (TX)

For more information, please contact Judith McGeary at Judith@FarmAndRanchFreedom.org or by calling 866-687-6452.