

July 7, 2009

Re: 2010 Agriculture Appropriations bill and the National Animal Identification System

Dear Representatives and Senators:

The undersigned organizations fully support the action of the House Appropriations Committee in eliminating funding for the National Animal Identification System (NAIS) from the 2010 Agriculture Appropriations bill. We urge you to reject any amendments that would reinstate funding for NAIS.

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 should not receive any federal funding.

**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 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.

There is widespread opposition to NAIS across the country. Five states have passed laws that prohibit their state agencies from implementing a mandatory program: Arizona, Kentucky, Missouri, Nebraska, and Utah. 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, Oklahoma, South Dakota, Tennessee, Texas, Virginia, Washington, and Wyoming. 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 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) High costs. The costs of complying with NAIS will be unreasonably burdensome for small farmers and many other animal owners. The costs of NAIS go far beyond the tag itself, and include: premises registration database creation and updates; tags and related equipment, such as readers, computers, and software; 24-hour reporting requirements, imposing extensive paperwork burdens; labor for every stage of the program; stress on the animals; qualitative costs, from loss of religious freedoms, privacy, and trust in government; and enforcement.

The USDA's recently released cost-benefit analysis acknowledges that the costs to small producers could be two to three times higher than the costs for large producers. Moreover, the study contains numerous gaps, false assumptions, and misleading tactics that severely underestimate the true costs of NAIS:

- a) The study manipulates the categorizations to disguise the costs to small farmers, homesteader, and other individuals with a few animals.
- b) The study incorrectly discounts costs for technological infrastructure
- c) The study makes assumptions about the use of group identification for sheep and poultry that contradict both the USDA documents and the working group reports.
- d) The study makes unsupported assumptions about many of the costs that will be imposed, and even contradicts itself.
- e) The study does not address the massive underestimates of the number of "premises" affected by NAIS, and as a result significantly underestimates the total costs of the program.
- f) The study improperly compares the benefits that will accrue to a small handful of corporations to the costs that will be borne by millions of individuals.

In effect, the agency still lacks a realistic analysis of the costs of NAIS to both animal owners and taxpayers.

- 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 essentially creates incentives for CAFOs, with the accompanying social and environmental concerns.

- 5) NAIS 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) 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. 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.
- 7) 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.
- 8) USDA has spent too much time and money already, and continued funding would not achieve results. USDA established working groups in 2002, and has spent over \$140 million since 2004. Yet the agency still failed to produce a workable plan. USDA is in the process of holding listening sessions around the country to seek input on how to develop a workable plan. With most of the listening sessions completed, the clear message has been to eliminate the program. Our unofficial estimate is that more than 90% of the people who have attended the meetings have spoken against NAIS. In these tough economic times, we cannot afford to spend good money after bad.
- 9) 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 CAFOs would be consistent with both good science and good economics.

For these reasons, we strongly urge you to keep NAIS funding out of the 2010 Appropriations bill, and reject any amendment that would reinstate funding for the program. We thank you for your consideration.

Sincerely,

*Acres USA*

Adopt a Family Farm  
Alabama Sustainable Agriculture Network  
American Goat Society  
American Grassfed Association  
American Policy Center  
Arkansas Animal Producers Association  
California Farmers Union  
Carriage Operators of North America  
Chez Panisse  
Citizens for Private Property Rights (MO)  
Colorado Independent Cattlegrowers Association  
Community Farm Alliance (KY)  
The Cornucopia Institute  
Dakota Resource Council  
Dakota Rural Action  
Davis Mountain Trans Pecos Heritage Association  
(TX)  
Downsize DC  
*Edible Austin*  
Edible San Marcos (TX)  
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  
Glacial Area Conservancy Federation (WI)  
Grassroots International  
Gun Owners of America  
Independent Cattlemen of Nebraska  
Innovative Farmers of Ohio  
International Texas Longhorn Association  
Iowa Citizens for Community Improvement  
Jackson County Local Action Coalition (OR)  
Local Harvest  
Maine Alternative Agriculture Association  
Maine Organic Farmers & Gardeners Association  
Marshall County Citizens for Property Rights (AL)  
Massachusetts Smallholders Alliance

Michigan Farmers Union  
Mississippi Livestock Markets Association  
Missouri Farmers Union  
Missouri Rural Crisis Center  
Montana Cattlemen's Association  
Montana Farmers Union  
National Association of Farm Animal Welfare  
National Family Farm Coalition  
National Latino Farmers and Ranchers Trade  
Association  
North Carolina Contract Poultry Growers Association  
Northeast Organic Farming Association – Mass.  
Northeast Organic Farming Association - Vermont  
Northeast Organic Farming Association Interstate  
Council  
Northern Illinois Draft Horse and Mule Association  
Northern New Mexico Stockman's Association  
Northern Plains Resource Council (MT)  
Oregon Freedom Alliance  
Oregon Livestock Producers Association  
Organic Consumers Association  
Organization for Competitive Markets  
Ozarks Property Rights Congress (MO)  
Powder River Basin Resource Council (WY)  
Property Rights Congress  
R-CALF USA  
Rocky Mountain Farmers Union  
Secure Arkansas  
*Small Farmer's Journal*  
Small Farms Conservancy  
South Dakota Stockgrowers Association  
Sovereignty International  
Stop Real ID Coalition  
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  
Wintergarden Sustainable Agriculture Coalition (TX)

For more information, please contact Judith McGeary at 866-687-6452 (office), 512-484-8821 (cell), or [Judith@FarmAndRanchFreedom.org](mailto:Judith@FarmAndRanchFreedom.org)