

Review of Animal Identification Systems

Testimony

of the

Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (R-CALF USA)

to the

**United States House of Representatives, Committee on Agriculture,
Subcommittee on Livestock, Dairy, and Poultry**

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Presented By

R.M (Max) Thornsberry, D.V.M.
President of the Board, R-CALF USA

P.O. Box 818
2254 Fairview Rd.
Richland, MO 65556
Phone: 573-765-3355
Cell: 573-257-0723
Fax: 573-765-3300
e-mail: cowman@dishmail.net
Web site: www.r-calfusa.com

Good morning Chairman Scott, Ranking Minority Member Neugebauer, and Members of the Subcommittee. I am Max Thornsberry, D.V.M., and I thank you for the opportunity to provide testimony regarding the Subcommittee's review of animal identification systems.

I am here today representing the cattle-producing members of R-CALF USA, the Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America. R-CALF USA is a membership-based, national, nonprofit trade association that represents exclusively United States farmers and ranchers who raise and sell live cattle. We have thousands of members located in 47 states and our membership consists of seed stock producers (breeders), cow/calf producers, backgrounders, stockers and feeders. The demographics of our membership are reflective of the demographics of the entire U.S. cattle industry, with membership ranging from the largest of cow/calf producers and large feeders to the smallest of cow/calf producers and small feeders. Our organization's mission is to ensure the continued profitability and viability for all independent U.S. cattle producers.

Today I will describe the various animal identification systems employed by the U.S. cattle industry and explain how, together with prudent disease prevention strategies, those systems have successfully prevented, controlled and eradicated animal diseases better than in any other country in the world. Also, I will address why the U.S. Department of Agriculture's (USDA's) proposed National Animal Identification System (NAIS) represents a weakening of our superior disease prevention, control and eradication strategies, and why the NAIS is ill-conceived, unnecessary, unworkable and un-American.

I. INTRODUCTION

The United States' success in preventing, controlling, and eradicating diseases and pests in livestock and preventing zoonotic diseases from infecting humans relies on the following three independent, though interrelated, strategies that I will list in descending order of effectiveness:

- 1. Disease Prevention (preventing the introduction of diseases into the U.S. cattle herd):** consisting of good animal husbandry practices, vaccination programs, and border restrictions that disallow disease vectors from entering the United States.
- 2. Disease Control (halting the spread and dissemination of a disease inadvertently introduced into the U.S. cattle herd):** consisting of disease reporting, disease surveillance, geographical containment, quarantines, restrictions on animal movements, identifying and monitoring animals-of-interest, and elimination of disease vectors.
- 3. Disease Mitigation (minimizing the risk of human exposure to potentially contaminated meat products when contamination is probable):** consisting of the removal of high-risk tissues from human food and animal feed and enforcement of sanitary food processing and handling procedures.

As recently as 2003, 13 federal executive departments and agencies, including USDA, Health and Human Services (HHS), Department of Commerce, and the U.S. Trade

Representative formed a Federal Inter-Agency Working Group and reported to Congress on the actions by federal agencies to prevent foot-and-mouth disease (FMD), bovine spongiform encephalopathy (BSE), and related diseases. The group reinforced the need for each of foregoing strategies in order to protect the United States from the introduction and spread of bovine spongiform encephalopathy (BSE).¹

II. MANDATORY ANIMAL IDENTIFICATION IS NOT AN EFFECTIVE DISEASE PREVENTION TOOL

Mandatory animal identification is not an effective tool for preventing the introduction of diseases into the U.S. cattle herd, and there is empirical evidence that the United States has unwittingly relied upon animal identification as a disease prevention measure to the detriment of the health of the U.S. cattle herd, the U.S. economy, and U.S. consumers. For example:

1. In its attempt to prevent the introduction of bovine tuberculosis (TB) and brucellosis into the U.S. cattle herd from Mexican cattle imports, USDA requires all Mexican cattle imported into the U.S. to be individually identified with a permanent brand or a numbered eartag.² However, USDA's Office of Inspector General (OIG) reported in 2006 that of the 272 bovine TB cases detected during the previous five years by U.S. slaughter surveillance, 75 percent (205) originated in Mexico, and these cases were detected in 12 U.S. states.³ The OIG explained that because Mexican cattle spend many months on U.S. farms and ranches prior to slaughter, each bovine TB case is potentially spreading the disease in the United States.⁴ Thus, not only is the mandatory animal identification of Mexican cattle not helping to control or eradicate TB in the U.S., its misapplication as a disease prevention tool is actually contributing to the spread of the disease, which continues to cause significant economic losses for U.S. farmers and ranchers, as well as increased health and safety risks to the U.S. cattle herd and consumers.
2. In an attempt to ensure compliance with the health and safety provisions contained in USDA's rule that reopened the Canadian border to imports of live Canadian cattle, despite Canada's ongoing BSE outbreak, USDA required, beginning in July 2005, that all Canadian imports be permanently and individually identified with eartags and brands (cattle imported in sealed trucks for immediate slaughter were exempted).⁵ However, the OIG reported that USDA did not adequately meet required health and safety provisions designed to prevent the introduction of BSE.⁶ In a March 2008 report, the OIG found that over 142,000 identified cattle and swine from Canada were slaughtered in U.S. slaughtering establishments without

¹ See Animal Disease Risk Assessment, Prevention, and Control Act of 2001 (PL 107-9), Final Report, PL 107-9 Federal Inter-Agency Working Group, January 2003 (disease prevention and control strategies are found at 40, 41).

² See 9 CFR §§93.427(c), (d).

³ See Audit Report: Animal and Plant Health Inspection Service's Control Over the Bovine Tuberculosis Eradication Program, U.S. Department of Agriculture, Office of Inspector General, Midwest Region, Report No. 50601-0009-Ch, September 2006, at 19, 20.

⁴ See *id.*, at iii.

⁵ See 70 Federal Register, at 549.

⁶ See Audit Report: USDA's Controls Over the Importation and Movement of Live Animals, Office of Inspector General, Midwest Region, Report No. 50601-0012-Ch, March 2008, *et. seq.*

USDA ensuring that proper import protocols were in place,⁷ that USDA could not ensure that identified Canadian cattle even arrived at approved slaughtering establishments,⁸ and that there were 145 indications of non-compliance with the health and safety standards contained in the agency's rule.⁹ In addition, another OIG report revealed that USDA was not properly performing and/or enforcing ante-mortem inspections of cattle at slaughter and that a measure crucial to the protection of human health – the removal of specified risk materials (SRMs) – is not being performed properly, even at plants that slaughter cull cattle that have an inherently higher risk for BSE.¹⁰ Thus, while individual animal identification was touted as a mitigation measure to help prevent the introduction and spread of BSE, as well as to prevent human exposure to the disease, the mandatory individual identification of Canadian cattle functioned as a false panacea that has effectively subjected the U.S. cattle herd and consumers to increased health risks.

R-CALF USA fully supports the mandatory identification of all imported cattle with a permanent hot-iron brand that would conspicuously denote the animals' country-of-origin. However, the importation of foreign cattle subject to such mandatory animal identification should only be allowed following a scientific determination that the country-of-origin of the imported cattle presents no known risk for any serious communicable disease. Because mandatory animal identification can neither prevent the introduction of disease, nor even mitigate potential introduction of disease, the purpose of such mandatory animal identification for imported cattle would be to facilitate the location and monitoring of cattle imported from a country that experiences a communicable disease outbreak subsequent to the scientific determination that the disease was not known to exist in that country.

III. USDA PROVIDES NO EVIDENCE THAT EXISTING DISEASE PROGRAMS ARE INADEQUATE

The U.S. has been highly successful in controlling and/or eradicating animal diseases following their introduction into the U.S. cattle herd. For example, of diseases that affect cattle, swine, or multiple species reportable to the World Organization for Animal Health (OIE) that have occurred in the U.S., contagious bovine pleuropneumonia has not reoccurred since 1892, foot-and-mouth disease (FMD) has not reoccurred since 1929, bovine babesiosis has not reoccurred on the U.S. mainland since 1943, classical swine fever has not reoccurred since 1976, brucellosis (*Brucella melitensis*) has not reoccurred since 1999, and porcine cysticercosis has not reoccurred since 2004.¹¹

Bovine TB presented a significant risk to people and caused considerable losses in the cattle industry in the early 1900s, but by the 1990s USDA's Animal and Plant Health Inspection

⁷ See Audit Report: USDA's Controls Over the Importation and Movement of Live Animals, Office of Inspector General, Midwest Region, Report No. 50601-0012-Ch, March 2008, at 29.

⁸ See *id.*, at 16.

⁹ See *id.*, at 8.

¹⁰ See Audit Report: Evaluation of FSIS Management Controls Over Pre-Slaughter Activities, U.S. Department of Agriculture, Great Plains Region, Report No. 24601-0007-KC, November 2008, *et. seq.*

¹¹ See Table A2.3: Status of the Occurrence of OIE-Reportable Diseases in the United States, 2007, 2007 United States Animal Health Report, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Agriculture Information Bulletin No. 803, issued September 2008, at 133, 134.

Service (APHIS) had reduced bovine TB prevalence to “very low levels.”¹² Even despite the continued reintroduction of bovine tuberculosis (TB) in Mexican cattle, as discussed above, at the end of 2007 APHIS reported that “49 U.S. states (including Michigan’s Upper Peninsula and part of New Mexico), Puerto Rico, and the U.S. Virgin Islands were considered Accredited TB Free.”¹³ In 1954, APHIS set out to eradicate brucellosis, and by the end of 2007 APHIS reported that “49 States, Puerto Rico, and the U.S. Virgin Islands were officially declared free of brucellosis.”¹⁴ According to APHIS, “The only known remaining reservoir of *Brucella abortus* infection in the Nation is in wild bison and elk in the Greater Yellowstone Area (GYA),”¹⁵ and cattle in proximity to the GYA from both Montana and Wyoming have recently been infected.

Results such as these completely contradict USDA’s claim that a radical, new, and unproven National Animal Identification System (NAIS) is now needed in order to effectively control the spread of animal diseases in the United States. Obviously, USDA did not lack necessary resources to control and eradicate animal disease outbreaks in the U.S. during the past 117 years.

Congress should take particular notice of APHIS’ failure to provide any semblance of a scientific risk assessment to support its assertion that NAIS is now necessary to effectively control and eradicate animal diseases. In particular, Congress should demand from USDA a science-based evaluation of the epidemiological necessity and/or value of achieving 48-hour traceback – a stated goal of NAIS – to effectively control the range of diseases likely to affect livestock. This goal is without any scientific support and appears wholly arbitrary, particularly when one considers that many communicable diseases have long incubation periods and are slow spreading, e.g., brucellosis, bovine TB, and BSE. Moreover, communicable diseases that spread swiftly, such as FMD, require immediate geographical containment and quarantine strategies, *not* the identification of individual animals-of-interest. And, many diseases are spread by vectors other than domestic livestock, such as the spread of Rift Valley Fever by mosquitoes,¹⁶ and therefore require very different containment and control strategies unrelated to livestock identification. R-CALF USA is disturbed by how decision makers have so uncritically subscribed to USDA’s assertions regarding the need for NAIS without any substantiating scientific evidence.

IV. THE DRIVING FORCE BEHIND NAIS IS A DESIRE TO CONFORM TO INTERNATIONAL STANDARDS

This leads us to the fact that USDA’s radical NAIS concept did not originate on U.S. soil and was not predicated on a need to improve the United States’ ability to control the spread of animal diseases. Instead, the impetus for NAIS was the World Trade Organization’s

¹² 2007 United States Animal Health Report, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Agriculture Information Bulletin No. 803, issued September 2008, at 29.

¹³ *Ibid.*

¹⁴ *Id.*, at 35.

¹⁵ *Id.*, at 37.

¹⁶ See Rift Valley Fever, Saudi Arabia, Impact Worksheet, USDA APHIS, Veterinary Services, Center for Emerging Issues, September 20, 2000, available at http://www.aphis.usda.gov/vs/ceah/cei/taf/iw_2000_files/foreign/rvf_saudi0900e.htm.

(WTO's) goal, formulated in 1995, of facilitating international trade through the liberalization of international trade rules.¹⁷ Because livestock presented a unique challenge to international trade – i.e., a heightened potential for disease spread – the WTO relies upon the OIE to set international standards for managing the human health and animal health risks associated with trading livestock within a more liberalized, global trade environment.¹⁸ As an inducement for the United States and other countries, which historically were averse to assuming the heightened risks associated with imported livestock, particularly livestock produced in developing countries where veterinary infrastructure was lacking, the OIE offered animal identification as a global strategy to mitigate such risks and to facilitate trade. In effect, the OIE sought to convince the United States and other developed countries to abandon their longstanding disease *prevention* strategies in favor of less effective disease *management* strategies necessitated by the OIE's trade liberalization goal. To accomplish this goal, the OIE encourages each of its 172 member-countries to “establish a legal framework for the implementation and enforcement of animal identification and animal traceability in the country.”¹⁹ Led by USDA, the United States, without conducting its own scientific analysis regarding the need for such a program, was among the first countries to oblige.

From the outset, USDA has aggressively lobbied Congress and the U.S. cattle industry to conform to the OIE's animal identification edict, and it continues to do so today. As recently as March 2008, former USDA Under Secretary for Marketing and Regulatory Programs Bruce Knight argued, in his speech on NAIS delivered at the Houston Livestock Show and Rodeo, that USDA needs to align U.S. rules with international guidelines. In support of NAIS, Knight stated:

Other countries, which don't yet have their own traceability systems fully in place and therefore can't, under WTO rules, require it of other countries, will still prefer to purchase from sources that can demonstrate traceability. . . . But the sooner producers in the U.S. and around the world get on board with animal ID, the more options they will have to market their livestock. In other words, traceability is the key to international sales and market expansion. Animal ID will open doors for producers everywhere.²⁰

This evidence substantiates R-CALF USA's contention that the driving force behind NAIS is not a science-based determination that a 48-hour traceback, or any other component of NAIS, is needed to effectively prevent, control, and eradicate livestock diseases, but rather, it was the previous Administration's desire to lead the rest of the world toward full conformity

¹⁷ See Understanding the WTO, World Trade Organization, Geneva, Switzerland, February 2007, at 1, 11, available at http://www.wto.org/english/thewto_e/whatis_e/tif_e/utw_chap1_e.pdf.

¹⁸ See OIE Objectives, World Organization for Animal Health (OIE), Paris, France, available at http://www.oie.int/eng/OIE/en_objectifs.htm#3.

¹⁹ Chapter 4.1, General Principles on Identification and Traceability of Live Animals, Terrestrial Animal Health Code, OIE, Article 4.1.1 (7), available at http://www.oie.int/eng/normes/mcode/en_chapitre_1.4.1.htm#rubrique_tracabilite_d_animaux_vivants.

²⁰ Animal ID and International Trade, Bruce I. Knight, Undersecretary for Marketing and Regulatory Programs, Houston Livestock Show and Rodeo, Houston, TX, March 4, 2008.

with international trade standards regarding animal identification.²¹ Further substantiating this contention is the universal scope of USDA's proposed NAIS, which originally intended to include bison, beef cattle, dairy cattle, swine, sheep, goats, camelids (alpacas and llamas), horses, cervids (deer and elk), poultry (eight species including game birds), and aquaculture (eleven species), regardless of their intended use as seedstock, commercial, pets or other personal uses.²² Casting such a broad net that effectively encompasses nearly all animal species potentially subject to international trade, without regard to whether such animals would even be animals-of-interest in any particular epidemiological investigation, strongly suggests that USDA first established a goal to conform to international trade standards and then it subsequently worked backward in order to align its actions with a perceived source of authority. In other words, USDA decided to impose a national animal identification system on U.S. livestock producers and then it invented the need to achieve 48-hour disease traceback capabilities in order to justify and legitimize its pursuit.

V. APHIS HAS IMPROPERLY IMPOSED NAIS ON U.S. LIVESTOCK PRODUCERS

R-CALF USA believes that the goal of seeking conformity to international trade standards is a wholly inappropriate consideration for the exercise of APHIS' authority pursuant to the Animal Health Protection Act of 2002 – the statute cited by USDA as its source of authority to implement NAIS.²³ In addition, R-CALF USA believes APHIS has far overreached any statutory authority it may have to require any type of animal identification by effectively implementing the foundational components of NAIS, i.e., registering individuals' private property in a federal database and registering individuals' livestock under a federal registry, without first initiating a rulemaking to afford the public any meaningful opportunity for comment. Indeed, contrary to claims made by APHIS that NAIS would remain voluntary,²⁴ thus assisting APHIS' effort to circumvent its rulemaking responsibilities, APHIS nevertheless mandated NAIS participation for producers participating in federal disease programs pursuant to an official memorandum issued by the agency on Sept. 22, 2008.²⁵ After objections raised by R-CALF USA and others, APHIS issued a new memorandum on Dec. 22, 2008, that canceled the memorandum issued on Sept. 22, 2008, though the practical effect on APHIS' mandate that producers participating in federal disease programs be registered under NAIS remained unchanged.²⁶

²¹ See *id.* Former Under Secretary Bruce Knight reiterated USDA's often repeated mantra that "we need to lead by example, stressing the importance of OIE standards, to open markets as we encourage other countries to open theirs."

²² See United States Animal Identification Plan, National Animal Identification Development Team, Version 4.1, Dec. 23, 2003, at 1.

²³ See Letter from U.S. Agriculture Secretary Tom Vilsack to Dr. R.M. Thornsberry, Feb. 23, 2009.

²⁴ See A Business Plan to Advance Animal Disease Traceability, USDA-APHIS, Version 1, September 2008, at 52 (APHIS reports that it published a document "to clarify NAIS as a voluntary program at the Federal level.").

²⁵ See Veterinary Services Memorandum No. 575.19, USDA-APHIS, Veterinary Services, Sept. 22, 2008 (the memorandum states that the premises identification number (PIN) established under NAIS "is to be the sole and standard location identifier for all VS [Veterinary Services] program activities" and that premises "will be registered in the NAIS.").

²⁶ See Veterinary Services Memorandum No. 575.19, USDA-APHIS, Veterinary Services, Dec. 22, 2008 ("All locations involved in the administration of VS [Veterinary Services] animal disease program activities conducted by VS personnel will be identified with a standardized [NAIS] PIN.")

VI. NAIS IMPOSES A FAR STRICTER AND MORE BURDENSOME STANDARD ON U.S. LIVESTOCK PRODUCERS THAN USDA IMPOSES ON FOREIGN MEATPACKING PLANTS AND LIVESTOCK FROM FOREIGN COUNTRIES

USDA, APHIS, and the USDA's Food and Safety Inspection Service (FSIS) have long argued that disease mitigation goals and food safety goals are best accomplished using a scientific, risk-based approach. Beginning in 1997, APHIS developed procedures to establish risk-based import requirements for livestock and livestock products imported into the United States, stating it would impose identical import restriction on regions with identical risk situations.²⁷ In 2003, then Secretary of Agriculture Ann Veneman argued that there should be a more "practical, risk-based approach to trade" with countries such as Canada.²⁸ In 2005, APHIS publicly issued an official *Response to R-CALF* Factsheet, wherein the agency took great pains to argue that R-CALF USA was wrong in seeking stricter disease-related import controls because the agency's "scientifically sound, risk-based import and export standards" were the appropriate standards for disease control.²⁹ The OIG explained in 2008 that FSIS was using a "risk-based approach to select [foreign meatpacking] establishments" for safety inspections of foreign meatpacking plants.³⁰ The FSIS uses such inputs in selecting foreign establishments as "types and volume of product exported to the United States, past performance of an establishment's food safety controls of public health significance, and delistments of, or recommendations to delist, foreign establishments."³¹

USDA's NAIS, however, is the antithesis of a scientific, risk-based approach to disease mitigation as it treats each animal in the United States as if it were the subject of a disease investigation, registering each livestock owner's private property and tracking not only each animal's origin, but also its movements throughout its entire lifetime. Thus, while USDA, APHIS, and FSIS use a targeted, risk-based approach for determining which foreign animals are eligible for importation and which foreign meatpacking plants are subject to inspection, USDA does not intend to accord U.S. livestock producers or their livestock the same science-based consideration. Instead, USDA applies a double standard to U.S. livestock producers and their livestock by treating each and every one of them as a disease suspect. This inexplicable action by USDA is un-American.

VII. NAIS IS VOID OF PRACTICAL CONSIDERATIONS FOR CONTROLLING ANIMAL DISEASE OUTBREAKS IN THE UNITED STATES

²⁷ See Process for Foreign Animal Disease Evaluations, Regionalization, Risk Analysis, and Rulemaking, USDA-APHIS, Veterinary Services, National Center for Import and Export, 1997; see also 62 Fed. Reg., at 56001.

²⁸ Transcript of Media Briefing with Agriculture Secretary Ann M. Veneman, Under Secretary for Farm and Foreign Agriculture Services, J.B. Penn, Under Secretary for Marketing and Regulatory Services Bill Hawks and Dr. Elsa Murano, Under Secretary for Food Safety regarding developments of the Canadian BSE Situation on Aug. 8, 2003, at 3.

²⁹ Response to R-CALF, APHIS Factsheet, USDA-APHIS, Feb. 2, 2005, at 2.

³⁰ Audit Report, Followup Review of Food and Safety Inspection Service's Controls over Imported Meat and Poultry Products, USDA Office of Inspector General, Northeast Region, Report No. 24601-08-Hy, August 2008, at 6.

³¹ *Id.*, at fn 21.

A. APHIS has Misrepresented the Expanded Scope of Its Newly Defined Premises Registration Scheme

Contrary to claims made by APHIS that a foundational component of NAIS – the registration of producers’ private property with a “premises identification” – has been part and parcel to the United States’ successful brucellosis and bovine tuberculosis programs for decades,³² there was *no* requirement for any specific geographical-based premises identification under either the brucellosis or tuberculosis programs.³³ In fact, the bovine TB program specifically authorized “a brand registered with an official brand registry” in lieu of a premises of origin identification.³⁴

Firsthand and anecdotal evidence reveals that brucellosis eartags contain a numeric sequence that denotes the state of origin, the local veterinarian that affixed the tags, and a numbering sequence for each individual animal. The location, or premises, under which the paper records are maintained are completed by the local veterinarian licensed under the state animal health official, and he/she may identify the location where the animals were vaccinated and tagged using the name of the nearest town, the nearest highway intersection, or the physical address of the livestock owner. Importantly, the brucellosis and bovine TB programs most certainly did not include the premises identification number that is planned for use under NAIS, and which became effective under APHIS’ final rule on July 18, 2007.³⁵ The premises identification number used prior to this recent rulemaking was defined as:

[A] State’s two-letter postal abbreviation followed by a number assigned by the State animal health official to a livestock production unit that is, in the judgment of the State animal health official or area veterinarian in charge, epidemiologically distinct from other livestock production units.³⁶

Thus, the original premises identification number was predicated on the state of origin and assigned by the local veterinarian acting under the state animal health official, without any requirement to register a livestock producer’s private property. This is radically different than the new premises identification number planned for use under NAIS. The new NAIS premises identification number usurps the sole judgment of the state animal health official by authorizing the federal government to make the assignment; it no longer expressly requires the state of origin identifier; and, it expressly requires the registration of real property. The newly developed premises identification number under the NAIS scheme is:

³² Veterinary Services Memorandum No. 575.19, USDA-APHIS, Veterinary Services, Dec. 22, 2008, at 2 (“VS [Veterinary Services] animal health programs have used premises identification for many years. For example, premises information was used in the early 1980s to support the eradication of brucellosis and tuberculosis in cattle.”).

³³ See 69 Federal Register, at 64646, col. 3 (“The new definition of premises identification number (PIN) differs from the definition it is replacing not only in recognizing the new numbering system but also in recognizing a premises based on a State or Federal animal health authority’s determination that it is a geographically, rather than epidemiologically, distinct animal production unit.”).

³⁴ See 9 CFR § 77.2 (definition of premises of origin identification in APHIS regulations as of Jan. 1, 2004).

³⁵ See 72 Federal Register, 39301-39307.

³⁶ 69 Federal Register, at 64646, cols. 2, 3.

A nationally unique number assigned by a State, Tribal, and/or Federal animal health authority to a premises that is, in the judgment of the State, Tribal, and/or Federal animal health authority, a geographically distinct location from other premises. The premises identification number is associated with an address, geospatial coordinates, and/or other location descriptors which provide a verifiably unique location.³⁷

Thus, APHIS has radically changed its preexisting disease programs by commandeering what was previously exclusive state and local control over the information required to identify livestock and livestock production units. The effect of this radical change is that livestock producers are now subject to a federal registration of their real property and a federal registration of their personal property (i.e., livestock) under the NAIS.

B. NAIS Unnecessarily Ignores and Supplants Preexisting, Time-Proven Animal Identification Systems

For over a century, USDA has effectively used various means of animal identification to control and eradicate animal diseases. Importantly, USDA, State animal health officials and Tribal animal health officials employed a science-based methodology to identify animals-of-interest in a specific disease program and targeted those animals for identification and subsequent monitoring and surveillance. For slow spreading diseases with long incubation periods, such as brucellosis, government officials targeted those animals in states where brucellosis was likely to exist and that would also be expected to enter the U.S. breeding herd. In other words, those officials targeted those animals that would not be slaughtered before the targeted disease could incubate to infectious levels. The programs involved the vaccination of animals retained for breeding purposes, eartagging the animals with official metal eartags, tattooing the animals, and surveillance for the disease at certain marketing points and at slaughterhouses.

Under the preexisting brucellosis program, if a positive brucellosis case were detected by surveillance, the animal's metal eartag and tattoo provided immediate traceback to the state of origin and to the local veterinarian that vaccinated the animal, and in some incidences the production unit, as determined by the state, where the animal was vaccinated. In the event of a lost eartag or unreadable tattoo on an animal found positive through surveillance, government officials could access information about specific animals through various other sources including:

1. Hot-iron or freeze brands, tattoos, and/or ear notches registered under any one of the 15 or more states that maintain state brand programs,³⁸ several of which recognize brands as an official identification for disease control purposes.³⁹

³⁷ 72 Federal Register, at 39306, cols. 1, 3; 39307, col. 1.

³⁸ See A Business Plan to Advance Animal Disease Traceability, USDA-APHIS, Version 1.0, September 2008, at 37 (APHIS states there are 15 states with brand inspection programs with either full or partial state participation).

³⁹ See National Animal Identification System: USDA Needs to Resolve Several Key Implementation Issues to Achieve Rapid and Effective Disease Traceback, U.S. Government Accountability Office, GAO-07-592, July 2007, at 19.

2. Animal identification systems consisting of eartags and tattoos used by breed associations that maintain registries of such animals.
3. Animal identification systems and records used and maintained by private individuals that may consist of eartags, tattoos, ear notches, and dewlap notches.
4. Backtags affixed and recorded at auction yards and other locations.
5. Health certificates used in interstate commerce that either describe or identify the animal(s) transported.
6. Sales receipts and other documents used in commerce.

Local veterinarians and State and Tribal animal health officials are the first lines of defense for any disease outbreak and they have used any one or more of these preexisting animal identification systems and devices to successfully conduct animal disease tracebacks in cooperation with APHIS.

C. APHIS Is Disingenuous in Its Attempt to Promote NAIS by Dismissing the Effectiveness of Preexisting Systems

APHIS highlights several case studies in its efforts to promote NAIS. However, the isolated cases it cites are the result of APHIS' dilatory actions to prevent the introduction of foreign animal diseases into the United States and its failure to contain diseases in wildlife. First, APHIS cites the detection of BSE in an imported Canadian cow on Dec. 23, 2003, which resulted in the widespread closure of U.S. beef export markets that have yet to be fully restored.⁴⁰ Disturbingly, this imported cow was identified with an official Canadian eartag, and USDA refused to disclose this fact until *after* U.S. export markets were closed around the world.⁴¹ This is significant because history shows that world markets react very differently when a BSE case is detected only in imported cattle. This different reaction was evidenced when Canada detected its first case of BSE in 1993, in an animal imported from Europe.⁴² At that time, APHIS took steps to track, monitor, and test cattle that had also been imported into the U.S. from Europe during the '80s, as well as animals imported from Japan after Japan detected its first case of BSE.⁴³ However, and despite, the fact that Europe had already instituted a feed ban that prohibited meat-and-bone meal in ruminant feed in 1988 and subsequently upgraded its feed ban in 1990 to prevent the spread of BSE,⁴⁴ and despite the fact APHIS knew that Canada likely had rendered dozens of cattle that it had imported from Europe,⁴⁵ APHIS took no action: 1) to require Canada to immediately implement a feed ban as a precondition to importing live cattle

⁴⁰See A Business Plan to Advance Animal Disease Traceability, USDA-APHIS, Version 1.0, September 2008, at 77.

⁴¹See BSE (Bovine Spongiform Encephalopathy, or Mad Cow Disease), Department of Health and Human Services, Centers for Disease Control and Prevention, Web site at <http://www.cdc.gov/ncidod/dvrd/bse/> (“Trace-back based on an ear-tag identification number and subsequent genetic testing confirmed that the BSE-infected cow was imported into the United States from Canada in August 2001.”).

⁴² See 72 Federal Register, at 53320, col. 1.

⁴³ See Animal Disease Risk Assessment, Prevention, and Control Act of 2001 (PL 107-9), Final Report, PL 107-9 Federal Inter-Agency Working Group, January 2003, at 49.

⁴⁴ See Evaluation of the Potential for Bovine Spongiform Encephalopathy in the United States, Joshua T. Cohen, *et al.*, Harvard Center for Risk Analysis, Harvard School of Public Health, at 38.

⁴⁵ See U.S. Department of Agriculture's Summary of the Epidemiological Findings of North American Bovine Spongiform Encephalopathy Positive Cattle, USDA, April 2005, at 17 (“Of those [imported European cattle] that were not found alive [in Canada], it was determined that 68 had potentially gone into the rendering stream after being slaughtered (59) or dying on farm (nine).”).

into the U.S.; 2) to restrict, track, or monitor live cattle imports from Canada; and, 3) took no immediate action to encourage the U.S. Food and Drug Administration (FDA) to implement a feed ban in the U.S. that would mitigate the higher-risk imports from Canada. In fact, the U.S. did not implement a feed ban until late 1997. Thus, the 2003 introduction of BSE into the United States was the result of APHIS' failure to restrict imports from Canada *even* after Canada was known to harbor a significant risk for BSE. APHIS' NAIS would not, and will not, prevent the introduction of diseases from countries that harbor significant health risks such as BSE, brucellosis, bovine TB, or FMD. The only means of preventing the introduction of such diseases is by restricting imports from countries known to harbor such diseases.

APHIS' second and third case studies involve the 2005 and 2006 detections of BSE in a 12-year-old cow (born in 1993) in Texas and a 10-year-old cow (born in 1995) in Alabama, respectively.⁴⁶ NAIS would neither have prevented these cases, nor would it have provided any more meaningful traceback information than could have been obtained if the animals were subject to the brucellosis-type identification program. Scientists have determined that neither of these cases was of the "typical BSE strain" found in Canada and the United Kingdom.⁴⁷ Instead, the U.S. cases are of the "atypical BSE strain," which is not definitively known to be transmitted through feed and may represent sporadic disease.⁴⁸ Both of these cases were born before 1997, the date the U.S. finally implemented a feed ban to arrest the potential spread of BSE.⁴⁹ Even assuming that these cases were caused by the consumption of contaminated feed, and given the long incubation period for BSE, the best solutions to protect human health and livestock health is to prevent this non-indigenous disease from being introduced into the U.S. by prohibiting imports from countries known to have infected cattle, enforcing the U.S. feed ban to prevent any potential spread, increasing surveillance, and continuing the removal of high-risk tissues from human food. After testing approximately three quarters of a million cattle from 2004 through 2006, and 40,000 cattle per year thereafter, the U.S. has found no evidence of any spread of BSE in the U.S. cattle herd following the 1997 feed ban.⁵⁰

APHIS also cites TB case studies during the years 2004-2007 in support of NAIS.⁵¹ However, and as discussed previously, APHIS knows that it is continually reintroducing bovine TB via imported Mexican cattle, which are believed to be spreading bovine TB during the

⁴⁶ See A Business Plan to Advance Animal Disease Traceability, USDA-APHIS, Version 1.0, September 2008, at 77.

⁴⁷ See BSE (Bovine Spongiform Encephalopathy, or Mad Cow Disease), Department of Health and Human Services, Centers for Disease Control and Prevention, Web site at <http://www.cdc.gov/ncidod/dvrd/bse/>.

⁴⁸ See BSE (Bovine Spongiform Encephalopathy, or Mad Cow Disease), Department of Health and Human Services, Centers for Disease Control and Prevention, Web site at <http://www.cdc.gov/ncidod/dvrd/bse/>.

⁴⁹ See Mad Cow Disease: Improvement in the Animal Feed Ban and Other Regulatory Areas Would Strengthen U.S. Prevention Efforts, U.S. Government Accountability Office (formally Government Accounting Office), GAO-02-183, January 2002, at 9.

⁵⁰ See Bovine Spongiform Encephalopathy (BSE) Enhanced Surveillance Program, U.S. Animal Health and Productivity Surveillance History, USDA-APHIS Veterinary Services, available at http://nsu.aphis.usda.gov/inventory/activity.faces?INVENTORY_NUMBER=44; *see also* Bovine Spongiform Encephalopathy (BSE) Ongoing Surveillance Program, U.S. Animal Health and Productivity Surveillance History, USDA-APHIS Veterinary Services, available at http://nsu.aphis.usda.gov/inventory/activity.faces?INVENTORY_NUMBER=371.

⁵¹ See A Business Plan to Advance Animal Disease Traceability, USDA-APHIS, Version 1.0, September 2008, at 77, 79.

months those cattle spend in the U.S. prior to slaughter, and yet, the agency has failed to take any meaningful steps to halt this unacceptable disease reintroduction. Moreover, APHIS' NAIS fails to address how NAIS would better control bovine TB when it is not only continually reintroduced in Mexican cattle, but also, tuberculosis is endemic in U.S. wildlife populations. APHIS, for example, reports that in the state of Michigan, "[c]ontrolling bovine TB in the deer populations is of great importance in the program to eradicate bovine TB in the cattle population. The primary method of disease control involves testing and slaughtering of infected deer."⁵² APHIS is disingenuous in its attempts to promote NAIS as being able to control diseases such as bovine TB by achieving the capacity to identify cattle populations "identified to premises of origin within 48 hours,"⁵³ particularly when primary sources of the disease are foreign countries and wildlife.

APHIS further cites the brucellosis case detected in Montana in 2007, without even mentioning in its case study the fact that the likely source of the disease was wildlife in the Greater Yellowstone Area. Elsewhere, APHIS states that "[t]he presence of brucellosis in the wild, free-ranging bison and elk herds in the Greater Yellowstone Area presents a continual challenge for Brucellosis program eradication efforts in the United States."⁵⁴ The source of brucellosis detected in both Montana and Wyoming in 2008, according to APHIS, was infected free-ranging elk.⁵⁵ APHIS' resources would be better spent focusing on the known sources of diseases to prevent their introduction into the U.S. cattle herd rather than to subject the entire U.S. livestock industry to the invasive scheme contemplated in the NAIS.

As evidenced by APHIS' Status of Current Eradication Programs found at Appendix 1, the agency has been highly successful at eradicating cattle diseases using existing resources. Given the lack of any scientific analysis regarding the expected change the NAIS would have on APHIS' current rate of successful disease eradication, Congress should avoid the agency's efforts to supplant its time-proven programs with an unproven system that is likely to consume more resources in its administration (i.e., in its reporting, tracking, and monitoring animal movements and managing colossal databases) than the agency now spends in preventing, controlling and eradicating disease.

VIII. THE COSTS OF COMPLIANCE WITH NAIS WILL ACCELERATE THE EXODUS OF U.S. FARMERS AND RANCHERS

A. The Cattle Industry Suffers From a Long-Run Lack of Profitability that Would Worsen if Producers are Subjected to Additional Costs of Production

⁵² Michigan Bovine Tuberculosis Eradication Project, U.S. Animal Health and Productivity Surveillance History, USDA-APHIS Veterinary Services, available at

http://nsu.aphis.usda.gov/inventory/activity.faces?INVENTORY_NUMBER=337.

⁵³ A Business Plan to Advance Animal Disease Traceability, USDA-APHIS, Version 1.0, September 2008, at 59.

⁵⁴ Bovine Brucellosis Eradication Program, U.S. Animal Health and Productivity Surveillance History, USDA-APHIS Veterinary Services, available at

http://nsu.aphis.usda.gov/inventory/activity.faces?INVENTORY_NUMBER=117.

⁵⁵ See Status Report – Fiscal Year 2008, Cooperative State-Federal Brucellosis Eradication Program, Debbi A. Donch and Arnold A. Gertonson, USDA-APHIS Veterinary Services, available at

http://www.aphis.usda.gov/animal_health/animal_diseases/brucellosis/downloads/yearly_rpt.pdf.

For decades, Congress and USDA have ignored the effects on U.S. livestock producers of the tremendous buying power exercised by oligopolistic meatpackers. As a result, anticompetitive practices abound, and the once competitive marketplace is now heavily tilted in favor of corporate agribusiness. This has created a long-run lack of profitability for independent family farmers and ranchers who are marketing into a system that persistently produces prices too low to cover their cost of production. The results are alarming, as independent farmers and ranchers in each of the major livestock sectors are exiting their respective industries at phenomenal rates.

For example: 90 percent of U.S. hog operations exited the industry since 1980, their numbers falling from 667,000 in 1980 to only 67,000 in 2005; over 40 percent of U.S. sheep operations exited the industry during this period, their numbers falling from 120,000 to only 68,000 in 2005. About 40 percent of cattle operations exited the industry during this period as well, falling from 1.6 million to 983,000 in 2005.⁵⁶ These data show that U.S. livestock industries are unhealthy and contracting rapidly. The NAIS will significantly accelerate the exodus of U.S. farmers and ranchers.

According to USDA's Economic Research Service (ERS), the average return to U.S. cow/calf producers in 2007 was an *operating* loss of \$46.25 per bred cow.⁵⁷ When total production costs are included, such as hired labor and taxes and insurance, the *actual* loss per bred cow in 2007 was \$608.08.⁵⁸

Since 1996, the year the U.S. cattle industry began its unprecedented herd liquidation, the average return to U.S. cow/calf producers was an *operating* loss of \$6.42 per bred cow per year.⁵⁹ Again, when total production costs are included, such as hired labor and taxes and insurance, the actual loss per bred cow per year from 1996 through 2007 was \$493.87.⁶⁰

During this period, 1996-2007, when U.S. cattle producers experienced this average actual loss of \$493.87 per bred cow per year, 228,880 U.S. cattle operations exited the industry, their numbers falling from 1.2 million to 965,510, and the number of operations fell further in 2008 to 956,500.⁶¹ Thus, during the past dozen years, U.S. cattle operations have exited the industry at a rate of over 19,000 operations per year, the equivalent of losing more cattle operations each year than are in the entire states of California, Colorado, or Idaho.⁶²

⁵⁶ See 72 Federal Register, at 44681, col. 2.

⁵⁷ See Cow/Calf Production Costs and Returns Per Bred Cow, 1996-2007, Data Sets: Cow-calf, USDA Economic Research Service, available at <http://www.ers.usda.gov/data/CostsandReturns/testpick.htm>.

⁵⁸ See *id.*

⁵⁹ See *id.*

⁶⁰ See *id.*

⁶¹ See Cattle, USDA National Agricultural Statistics Service, Mt An 2-1 (1-97), available at <http://usda.mannlib.cornell.edu/usda/nass/Catt/1990s/1997/Catt-01-31-1997.pdf>; See also Farms, Land in Farms, and Livestock Operations: 2008 Summary, USDA National Agricultural Statistics Service, Sp Sy 4(09), February 2009, at 14, available at <http://usda.mannlib.cornell.edu/usda/current/FarmLandIn/FarmLandIn-02-12-2009.pdf>.

⁶² See Farms, Land in Farms, and Livestock Operations: 2008 Summary, USDA National Agricultural Statistics Service, Sp Sy 4(09), February 2009, at 18, available at <http://usda.mannlib.cornell.edu/usda/current/FarmLandIn/FarmLandIn-02-12-2009.pdf>. at 18 (In 2007, California had 16,000 operations, Colorado had 14,700 operations, and Idaho had 10,600 operations).

Mr. Chairman and Members of the Subcommittee, this is not a natural attrition rate – this is a crisis, and until Congress takes action to correct the long-run lack of profitability in the U.S. cattle industry, we will continue hollowing out rural communities all across America.

The NAIS would significantly worsen the crisis caused by a lack of profitability because it would add additional production costs to an industry already unable to recover its cost of production from the marketplace.

B. The Projected Costs of NAIS are Significant and Untenable for An Industry Unable to Recover Its Costs of Production From the Marketplace

APHIS has not provided the public with a cost/benefit analysis for NAIS despite having aggressively promoted the program and having expended millions of taxpayer dollars to promote the program over the past several years. However, in 2003 USDA published estimates of the cost of verifying the origins of cattle during its early rulemaking for mandatory country-of-origin labeling. The estimates published by USDA included those submitted by Sparks Company Inc. and Cattle Buyers Weekly (Sparks/CBW), and E.E. Davis, both of which estimated the cost of animal identification for U.S. cattle producers.⁶³ Sparks/CBW estimated that the cost to cattle producers for verifying the origins of cattle using animal identification would range from \$8.63 to \$10.63 per head, and E.E. Davis estimated costs for cattle producers of up to \$15.30 per head.⁶⁴

More recently, Kansas State University (KSU) developed a spreadsheet “to assist livestock producers and others in the industry with estimating the costs associated with an individual animal identification system,” though it asserts that not all the costs included in its spreadsheet would be required under NAIS.⁶⁵ Though it is unclear to R-CALF USA whether the costs included by KSU are understated or overstated, the spreadsheet estimates are very similar to the earlier estimates published by USDA. For example, KSU estimates the cost per head for a producer with 100 head of brood cows at \$15.90 per head.⁶⁶ Importantly, the KSU spreadsheet reveals that larger cattle operations would pay significantly less per animal than would smaller operations, e.g., the estimated cost for a producer with 400 brood cows is \$6.14 per head. Thus, it would appear from the KSU data that the average-sized cattle operation in the United States, which consists of approximately 44 cows per herd,⁶⁷ would be expected to incur costs that are considerably more per head than the \$15.90 estimate for a herd size of 100 head.

This substantial inverse cost scaling, i.e., costs become substantially lower as operation size becomes larger, will significantly disadvantage small- to medium-sized cattle operations in the marketplace, thus encouraging the further corporatization of the U.S. cattle industry. And, as

⁶³ See 68 Federal Register, at 61962, cols. 2, 3.

⁶⁴ See *id.*, at 61964, cols. 1, 2.

⁶⁵ See RFID Cost.xls – A Spreadsheet to Estimate the Economic Cost of a Radio Frequency Identification (RFID) System, Version 7.6.06, available at www.agmanager.info/livestock/budgets/production/beef/RFID%20costs.xls.

⁶⁶ See *id.*

⁶⁷ Average herd size calculated by dividing the number of U.S. cows and heifers that have calved in 2008 (41,692,000) by the number of U.S. operations with cattle and calves in 2008 (956,500).

previously stated, adding additional costs on U.S. cattle producers who are already suffering from a long-run lack of profitability will accelerate the ongoing exodus of family farmers and ranchers from the U.S. cattle industry.

C. Evidence Shows that the Scope of the NAIS is Beyond Contemplation, and Similar, Though Much Smaller, Programs Attempted Elsewhere are Fraught with Problems

In a 2006 news conference, former Agriculture Secretary Mike Johanns said in regard to the NAIS:

First thing I would say is that to describe this as a massive project is to under-describe how big this is and how significant it is and how much is involved. I'll just take one industry, the cattle industry. At any given time you have 90 to 100 million head of cattle in the United States. There has never been a system put in place that would deal with that kind of magnitude. And we are talking about a system that literally says from the time of their birth on through the entire chain, we will trace that animal until we can ascertain where the animal finally was processed. So just a huge undertaking.⁶⁸

More recently, in 2008, former USDA Under Secretary Bruce Knight said in regard to conducting a cost/benefit analysis for NAIS:

I want to share a couple of other efforts that we're involved in regarding animal ID. One is a benefit-cost analysis of NAIS that researchers at Kansas State University are conducting for us. To the best of our knowledge, no other country has studied this. It is a massive undertaking, but necessary to advance the U.S. ID system. We believe this study will provide empirical evidence that animal ID is worth the effort we're putting into it—and that producers put into it also.⁶⁹

These statements demonstrate that the NAIS is a colossal program, certain to have impacts that reach far beyond what anyone has presently contemplated. R-CALF USA is convinced NAIS will be a colossal failure – necessitating a whole new bureaucracy just for its administration and resulting in a new era of unwarranted government intrusion on the personal lives and private property of U.S. livestock producers.

The former president of the Australia Beef Association and a fifth-generation cattleman from Australia, John Carter, whose family, incidentally, registered the first-ever cattle brand in Australia in 1853, produced a short but compelling video on how Australia's attempts to administer its National Livestock Identification System have been a disaster for Australian producers. I have provided a copy of Mr. Carter's video in DVD format for the Subcommittee, and you will find that he also references a report from the United Kingdom, which he says reveals significant problems with the animal identification program underway in Europe, as well.

⁶⁸ Transcript of Tele-News Conference with Agriculture Secretary Mike Johanns And Dr. John Clifford, USDA's Chief Veterinarian Regarding the National Animal Identification System Washington, D.C. - April 6, 2006.

⁶⁹ Animal ID and International Trade, Bruce I. Knight, Undersecretary for Marketing and Regulatory Programs, Houston Livestock Show and Rodeo, Houston, TX, March 4, 2008.

IX. SOLUTIONS TO THE LEGITIMATE CHALLENGE OF EXPANDING DISEASE TRACEBACK CAPABILITIES AND IMPROVING INFORMATION SHARING AMONG AND BETWEEN FEDERAL, STATE, AND TRIBAL OFFICIALS

A. NAIS is an Unreasonable and Unnecessary Response to the Legitimate Need for Improving U.S. Disease Prevention, Control, and Mitigation

APHIS has raised perhaps only two legitimate disease traceback concerns regarding the nation's continued ability to effectively control and eradicate diseases during the agency's entire, multi-year campaign to promote NAIS:

First, APHIS has acknowledged that as a direct result of the successful eradication of diseases under APHIS' preexisting disease programs, there are now fewer producers (and likely fewer livestock) participating in federal disease programs.⁷⁰

Second, APHIS acknowledges difficulties in sharing information between and among federal and state animal health officials.⁷¹

R-CALF USA views both these concerns as legitimate challenges to the United States' continued ability to successfully control cattle disease outbreaks and eradicate diseases. R-CALF USA believes that both of these challenges can be effectively addressed using statistical, science-based solutions that do not, as NAIS does, infringe upon the private property rights and rights and expectations of privacy of U.S. livestock producers, impose significant compliance costs on U.S. livestock producers, impose burdensome reporting requirements on U.S. producers, favor corporate agribusiness over U.S. family farmers and ranchers, result in the storage of U.S. producer information in a foreign country's database,⁷² require a whole new federal bureaucracy, or subject U.S. producer and livestock information to a heightened risk of mischievous access by livestock buyers or anti-livestock groups.

B. A More Practical Solution to Prevent, Control, and Mitigate Diseases in the U.S.

R-CALF USA urges Congress and USDA to immediately cease all efforts to implement the NAIS. Instead, R-CALF USA recommends that Congress and USDA focus on targeted solutions to the legitimate livestock disease-related challenges faced by U.S. livestock producers,

⁷⁰ See Animal ID and International Trade, Bruce I. Knight, Undersecretary for Marketing and Regulatory Programs, Houston Livestock Show and Rodeo, Houston, TX, March 4, 2008, at 3 ("Further, these days fewer beef producers are participating in disease programs as eradication efforts have been successful.").

⁷¹ See Veterinary Services Memorandum No. 575.19, USDA-APHIS, Veterinary Services, Dec. 22, 2008 ("Differences in the information systems have historically existed among the Federal and State animal health information systems. . . [and] were not compatible or capable of begin integrated across systems.").

⁷² See Record Retention Authorization (RDA) No. 00292000, Wisconsin Department of Agriculture Trade and Consumer Protection (WDATCP), Division of Animal Health – Livestock Premises Registration, January 2008 (showing that Wisconsin's livestock premises database records are maintained in an electronic oracle database in Canada and current records are required by USDA to be retained for five years in accordance with the USAIP (U.S. Animal Identification Plan)).

and take steps to meaningfully address legitimate food safety challenges, as evidenced by recent, and massive, recalls of meat produced in U.S. slaughtering plants.

Specifically, R-CALF USA recommends the following alternative course:

1. Prevent the importation of serious cattle diseases and pests from foreign sources:
 - a. Prohibit the importation of livestock from any country that experiences outbreaks of serious zoonotic diseases, including pests, until scientific evidence demonstrates the diseases and/or pests have been eradicated or fully controlled and there is no known risk of further spread. This recommendation includes a request for an immediate ban on live cattle imports from Canada, which harbor a heightened risk for BSE.
 - b. Require all imported livestock to be permanently and conspicuously branded with a mark of origin so identification can be made if a zoonotic disease or serious pest outbreak occurs in the exporting country subsequent to importation.
 - c. Require all livestock imported into the United States to meet health and safety standards *identical* to those established for the United States, including adherence to U.S. prohibitions against certain feed ingredients, pesticide use on feedstuffs, and certain livestock pharmaceuticals.
 - d. Require TB testing of all imported Mexican cattle and further require that all Mexican cattle remain quarantined in designated feedlots until slaughtered.
 - e. Reverse USDA's efforts to carve out regions within disease-affected foreign countries in order to facilitate imports from the affected country before the disease of concern is fully controlled or eradicated.
 - f. Increase testing of all imported meat and bone meal to prohibit contaminated feed from entering the United States.
2. Adopt the surveillance and identification components of the preexisting brucellosis program, including the metal eartag and tattoo that identifies the state-of-origin and the local veterinarian that applied the identification devices, and require breeding stock not otherwise identified through breed registries to be identified at the first point of ownership transfer.
3. State and Tribal animal health officials should be solely responsible for maintaining a statewide database for all metal tags applied within their respective jurisdictions and should continue to use the mailing address and/or the production unit identifier determined appropriate by the attending veterinarian to achieve traceback to the herd of origin should a disease event occur. Under no circumstances should the Federal government maintain a national registry of U.S. livestock or require the national registration of producers' real property.

4. The Federal government should enter into agreements with State and Tribal animal health officials to pay for the State's and Tribal government's cost of identifying breeding stock, maintaining the State and Tribal databases, and bolstering disease surveillance at livestock collection points such as livestock auction yards and slaughtering plants, including increased surveillance for BSE.
5. The Federal government should coordinate with the States and Tribes to establish electronic interface standards and establish improved communication protocols so it can more effectively coordinate with the States and Tribes in the event of a disease outbreak.
6. The Federal government should coordinate with the States and Tribes to establish improved protocols for the retention and searchability of State and Tribal health certificates, brand inspection documents, and other documents used to facilitate interstate movement of livestock.
7. Establish specific disease programs and focus increased resources toward the eradication of diseased wildlife in States where wildlife populations are known to harbor communicable diseases.

To address the challenge of increased incidences of tainted meat products, Congress and USDA should implement a requirement that meat sold at retail and at food service establishments be traceable back to the slaughterhouse that produced the meat from live animals, not just back to the processor that may have further processed tainted meat. This simple improvement would enable investigators to determine and address the actual source of meat contamination – primarily the unsanitary conditions that allow enteric-origin pathogens to contaminate otherwise healthful meat.

X. CONCLUSION

R-CALF USA greatly appreciates the Subcommittee's investigation of the NAIS and we trust that you will not allow USDA to carry through with this unacceptable proposal. R-CALF USA stands ready to assist Congress and USDA in the development and implementation of a more reasonable, workable, and effective program to continue protecting U.S. livestock and consumers from diseases that affect livestock.

Sincerely,



R.M. (Max) Thornsberry, D.V.M.
R-CALF USA President of the Board

Attachments: DVD of Cattle Identification in Australia

APPENDIX I

Status of Current Eradication Programs

Current VS disease eradication programs include cooperative State-Federal efforts directed at cattle and swine brucellosis; bovine and cervid tuberculosis; and pseudorabies in swine. The following table shows the status of States in these programs.

State	Cattle Brucellosis ⁺	Swine Brucellosis ^{**}	Bovine TB ^{***}	Cervid TB ^{***}	Pseudorabies ^{****}	Scrapie ^{*****}
	Last Update Jan. 1, 2009	Last Update Jan. 1, 2009	Last Update Jan. 1, 2009	Last Update Jan. 1, 2009	Last Update Jan. 1, 2009	Last Update Jan. 1, 2009
AL	Free	Free	Free	MA	Stage 5	Consistent
AK	Free	Free	Free	MA	Stage 5	Consistent
AR	Free	Free	Free	MA	Stage 5	Consistent
AZ	Free	Free	Free	MA	Stage 5	Consistent
CA	Free	Free	MAA	MA	Stage 5	Consistent
CO	Free	Free	Free	MA	Stage 5	Consistent
CT	Free	Free	Free	MA	Stage 5	Consistent
DE	Free	Free	Free	MA	Stage 5	Consistent
FL	Free	Free	Free	MA	Stage 5	Consistent
GA	Free	Free	Free	MA	Stage 5	Consistent
HI	Free	Free	Free	MA	Stage 5	Consistent
IA	Free	Free	Free	MA	Stage 5	Consistent
ID	Free	Free	Free	MA	Stage 5	Consistent
IL	Free	Free	Free	MA	Stage 5	Consistent
IN	Free	Free	Free	MA	Stage 5	Consistent
KS	Free	Free	Free	MA	Stage 5	Consistent
KY	Free	Free	Free	MA	Stage 5	Consistent
LA	Free	Free	Free	MA	Stage 5	Consistent
MA	Free	Free	Free	MA	Stage 5	Consistent
MD	Free	Free	Free	MA	Stage 5	Consistent
ME	Free	Free	Free	MA	Stage 5	Consistent
MI	Free	Free	MA/MAA/Free	MA	Stage 5	Consistent
MN	Free	Free	MA/MAA	MA	Stage 5	Consistent
MO	Free	Free	Free	MA	Stage 5	Consistent
MS	Free	Free	Free	MA	Stage 5	Consistent
MT	Class A	Free	Free	MA	Stage 5	Consistent
NC	Free	Free	Free	MA	Stage 5	Consistent
ND	Free	Free	Free	MA	Stage 5	Consistent
NE	Free	Free	Free	MA	Stage 5	Consistent
NH	Free	Free	Free	MA	Stage 5	Consistent
NJ	Free	Free	Free	MA	Stage 5	Consistent
NM	Free	Free	MAA	MA	Stage 5	Consistent
NV	Free	Free	Free	MA	Stage 5	Consistent

NY	Free	Free	Free	MA	Stage 5	Consistent
OH	Free	Free	Free	MA	Stage 5	Consistent
OK	Free	Free	Free	MA	Stage 5	Consistent
OR	Free	Free	Free	MA	Stage 5	Consistent
PA	Free	Free	Free	MA	Stage 5	Consistent
RI	Free	Free	Free	MA	Stage 5	Consistent
PR	Free	Free	Free	MA	Stage 5	Consistent
SC	Free	Free	Free	MA	Stage 5	Consistent
SD	Free	Free	Free	MA	Stage 5	Consistent
TN	Free	Free	Free	MA	Stage 5	Consistent
TX	Free	Stage 2	Free	MA	Stage 5	Consistent
UT	Free	Free	Free	MA	Stage 5	Consistent
VA	Free	Free	Free	MA	Stage 5	Consistent
VI	Free	Free	Free	MA	Stage 5	Consistent
VT	Free	Free	Free	MA	Stage 5	Consistent
WA	Free	Free	Free	MA	Stage 5	Consistent
WI	Free	Free	Free	MA	Stage 5	Consistent
WV	Free	Free	Free	MA	Stage 5	Consistent
WY	Free	Free	Free	MA	Stage 5	Consistent

* Class A (less than .25 percent herd infection rate) or Class Free

** Stage 1, 2 or Free

*** Modified Accredited (MA), Accredited Free (Free) or Modified Accredited Advance (MAA)

**** Stage 1, 2, 3, 4 or Free

***** A State that APHIS has determined, conducts an active State scrapie control program consistent with Federal requirements.

Disease control and eradication measures include quarantines to stop the movement of possibly infected or exposed animals; testing and examination to detect infection; destruction of infected (sometimes exposed) animals to prevent further disease spread; treatment to eliminate parasites; vaccination in some cases; and cleaning and disinfection of contaminated premises.

APHIS animal health programs are carried out by a field force of about 250 veterinarians and 360 lay inspectors working out of area offices (usually located in State capital cities). Laboratory support for these programs is supplied by APHIS' [National Veterinary Services Laboratories \(NVSL\)](#) at Ames, Iowa, and Plum Island, N.Y., which are centers of excellence in the diagnostic sciences and an integral part of APHIS' animal health programs.

Under the Virus-Serum-Toxin Act of 1913, APHIS enforces regulations to assure that animal vaccines and other veterinary biologics are safe, pure, potent, and effective. Veterinary biologics are products designed to diagnose, prevent, or treat animal diseases. They are used to protect or diagnose disease in a variety of domestic animals, including farm animals, household pets, poultry, fish, and fur bearers.

In contrast to animal medicines, drugs, or chemicals--all of which are regulated by the U.S. Food and Drug Administration--veterinary biologics are derivatives of living organisms. Unlike some pharmaceutical products, most biologics leave no chemical residues in animals. Furthermore, most disease organisms do not develop resistance to the immune response produced by a veterinary biologic.

Veterinarians and other professionals in the APHIS [VS Center for Veterinary Biologics](#) regulate and license all veterinary biologics as well as the facilities where they are produced. They also inspect and monitor the production

of veterinary biologics, including both genetically engineered products and products produced by conventional means. Necessary tests of veterinary biologics are conducted at the APHIS National Veterinary Services Laboratories at Ames, Iowa.

APHIS also regulates the licensing and production of genetically engineered vaccines and other veterinary biologics. These products range from diagnostic kits for feline leukemia virus to genetically engineered vaccines to prevent pseudorabies, a serious disease affecting swine. With the pseudorabies vaccines, tests kits have been developed to distinguish between infected animals and those vaccinated with genetically engineered vaccines.

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