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Washington, DC 20036

Declaration of Andrew Langer, President, Institute for Liberty
On the National Animal Identification System Proposal

June 18, 2008

To whom it may concern:

My name is Andrew Langer, and I currently serve as President of the Institute for Liberty (IFL). IFL is a non-profit 501c(4) advocacy organization based in the Washington, DC area. Our primary focus is on the impact of policies developed by federal executive branch regulatory agencies on small business and entrepreneurship in America.

While working as the Senior Manager for Regulatory Affairs for the National Federation of Independent Business, a trade association representing more than 350,000 American small businesses, I first became aware of the National Animal Identification System, otherwise known as NAIS. I was contacted by one of NFIB's field representatives (NFIB has several hundred people working in the field, interacting directly with their members) regarding NAIS. This field representative had heard from a number of our members regarding this – specifically, the policies regarding mandatory electronic tagging and the mandatory purchase of hardware and software systems. These members were concerned about the program being transformed from a voluntary, pilot program to a mandatory one.

They were reacting to proposals from the United States Department of Agriculture (USDA) to do just that.

Within days after that first call, I began hearing from members all over the country. NFIB has members in all 50 states, and when I would hear from members in a wide cross-section of the nation, I knew that there was something of serious concern. These members were deeply opposed to the mandates being proposed, due to the expense and the impact should they fail to comply.

But one of the most important concerns came from one of NFIB's Amish members. NFIB has a number of members within the Amish communities of Pennsylvania, Ohio and Delaware, and a number of these members, through their own communications and by communicating via the field representatives, made it clear that the proposals being considered by USDA could not be implemented by them due to religious considerations.

The prohibitions against modern technology within the Amish community are well-known. They have also been a source of new markets for Amish goods – most notably in the organic and heirloom commodities industries. The prohibition against the entrance of goods from non-NAIS livestock farms into the stream of commerce would effectively destroy this industry.

We raised these issues in conversations with the USDA, and, as I recall, a letter. And we were therefore very pleased, as were our members, when the USDA decided to leave the program as a voluntary one.

Between that decision, and the time I left NFIB in the spring of 2008, I heard from members and NFIB field representatives nearly weekly with questions regarding NAIS—the decisions, the status, etc. Clearly, this issue was one of great concern.


The reasons for that are simple. Small businesses are different than big businesses. Regulatory costs are higher for small firms (according to the SBA's Office of Advocacy), and it is far more difficult for small businesses to both find out about new regulatory requirements, and discern how to implement them when they do. According to surveys by NFIB's Research Foundation, small businesses are particularly opposed to regulations that create mandatory electronics requirements: mandatory e-filing; mandatory electronic recordkeeping; mandatory electronic tracking.

In its most recent surveying in 2007, 90% of small businesses used computers in any aspect of their business, meaning that a gap of 10% still existed. This gap grows depending on the industry, with it being much larger for those in agricultural fields.

The NAIS proposal combined a number of these concerning elements into one deeply troubling regulatory scheme impacting small business.

Thank you for the opportunity to offer comments regarding this.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Langer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew M. Langer
President
The Institute for Liberty