

Declaration of Andrew Schneider

I, Andrew Schneider, certify and state as follows:

My name is Andrew Schneider. My wife and I, along with our children, own and operate a small organic dairy farm. We farm eighty acres and milk approximately thirty Dutch Belted cows in Clinton County, Michigan. Our annual gross sales are between \$100,000 and \$125,000. My Dad purchased this farm in 1961. I was born and raised here. On January 1, 1993 I took over the operations of the farm. Since the farm is small, we can't afford to employ continuous labor. I have had only one day off in the last 15 ½ years. We purchased this farm from my parents in 1994. I farmed the land conventionally until 2000, just like my Dad did.

Starting in the mid-1990's I started to see that the land was failing and the cows were suffering under conventional practices, so I started to make small changes. In the next few years we stopped using antibiotics and herbicides. In June of 2000 we applied our last conventional fertilizer. This marked the beginning of our transition to organics. Since that time we have enjoyed watching our land become healthy again. Nature has continued to come back to our farm. Our soil retains water better, has improved tilth, and is full of beneficial bugs and worms again. The wildlife, with their innate sense, tend to cross over conventional fields to get to our farm to eat the natural feeds as opposed to the chemical-ridden plants found elsewhere. Each year we have not only more birds living here but more varieties showing up as well. Most importantly, our cattle are happier and healthier than ever. Years ago we were lucky to get a cow to live to the age of 8 years. Now we have several at 10-12 years of age and the old gals just keep on going. We use less fuel, less energy, and we have higher profits and it is more enjoyable to care for healthy, happy, content, and maintenance-free cows than it is to care for cows that are sick all the time. We've been rewarded for farming God's way and now our children will have the opportunity to farm, if they want to. Under conventional practices there was no hope for their future in farming. The issue of NAIS once again threatens my children's future as farmers, not just my children, but the children of all people in this country.

The Michigan Department of Agriculture (MDA) forced mandatory Radio Frequency Identification (RFID) tagging for all cattle in Michigan starting March 1, 2007. It claimed it had this power under the Animal Industry Act of 1988. The law says that for the purpose of eradicating a disease the Department of Agriculture can implement any number of things, one of which is tagging animals. When that law was passed in 1988, there was no such thing as NAIS or electronic identification systems. There were only alpha-numeric (metal) tags.

After tuberculosis (TB) and brucellosis were eradicated in the 1970's and late 1980's, respectively, there was no tagging requirement. This, however, has changed. Kevin Kirk, an MDA employee in the Animal Industry Division, has stated that mandatory RFID is the forerunner to NAIS. I

take that to mean the tagging requirement will never go away, even in times of no disease.

The MDA published a revised questions and answers (Q&A) form about the Mandatory Cattle Identification Program (dated 12/18/2006). This form claimed that the reasons for electronic identification (EID) were to assure food safety, to increase efficiency in responding to food borne diseases, and to maintain and expand export markets. Foodborne diseases don't occur while the animal is alive, they happen after the animal is killed in the slaughterhouse. EID tags can't help this. Also, since the U.S. imports more beef than it exports, why should we expand export markets? If we keep U.S. beef here, we can import less. On the same form it stated that Michigan was going to mandatory electronic tags because it may be required by the United States Department of Agriculture (USDA) for moving the Bovine TB zones as established by USDA to a higher status. This was confirmed by Dr. Steve Halstead, a veterinarian with the MDA, on February 6, 2007. That day, after an Ag Commission meeting, Edward Zimba, his wife and myself were talking to Dr. Halstead in the hall of the Lansing Center. At one point Ed's wife said to the doctor that she didn't understand how electronic ID tags would get rid of TB since she wore earrings and sometimes she still gets the flu. Dr. Halstead responded by saying that the RFID requirement wouldn't eradicate TB. He said that the USDA is the keeper of the rules and if the farmers in Michigan would accept the mandatory RFID, the USDA may give the lower half of the lower peninsula TB-free status. By its own published information, as well as the words of its employees, the MDA admits that mandatory tagging is not done for the eradication of disease. It has other reasons for this requirement that have nothing to do with disease eradication, namely exports and meeting USDA regulations to change zone status.

MDA does not have the support for NAIS that it claims to have. The MDA has advertised in its own publications that it had the support of many organizations to carry out mandatory EID. It claimed it had support from

1. Michigan Cattleman's Association;
2. Michigan Farm Bureau;
3. Michigan Milk Producers Association; and
4. Michigan Pork Producers Association.

As a member of Farm Bureau, I was never given a chance to vote or voice my opinion on this issue. I was told by members of the other organizations listed above that they weren't allowed to vote on this issue either. Not one of these organizations had a membership vote on the issue. In all cases, the boards of directors voiced their personal opinions. They put their personal views forward and marketed that as the association's view, which is false. There were many members of these organizations opposed to mandatory EID and when they asked to have the issue voted on, they were told "no" by their directors. The MDA misled the public by stating it had support of these organizations when it only had the support of certain board members of these organizations.

The animal ID requirement has not stopped the incidence of bovine TB. Dr. Michael Vanderklok, also a state veterinarian, stated on the record on January 29, 2007, that dozens of new TB infections have occurred since mandatory tagging was instituted in the TB-infected zone starting in the

summer of 2002. Despite mandatory tagging, the new infections keep occurring. He also stated that when Michigan first lost its TB-free status, 60-65% of new infections came from wildlife. The TB zone in Michigan started mandatory RFID tagging in 2005. He further admitted that in 2006, six out of seven of the new infections were confirmed as caused by wildlife and the seventh infection could still potentially be confirmed as caused by wildlife. This means that 85% to 100% of new infections come from wildlife. Since the infections are coming from animals presumably owned by the State of Michigan, shouldn't the Michigan Department of Natural Resources (DNR) tag its animals (deer and other wildlife) and clean up its mess before putting the responsibility on farmers, whose animals are not causing the problem in the first place?

We've been told by the MDA that the cost to farmers for this intrusive program is \$2.00 per tag plus \$20.00 for an applicator. NAIS is far more expensive than this. I have a copy of a letter from Kevin Kirk to the Fee Based Veterinarians, dated September 20, 2000. He told the vets to be careful while TB testing and tagging cattle because a farmer was mauled to death by a bull while helping with these functions. When I asked Kevin about this incident, he said the farmer was a poor handler of cattle and that's why he got killed. This farmer had successfully handled cattle for years. However, when anyone handles animals outside of their normal routines, especially bulls, things can get dangerous.

Cattle are routine-driven animals. They know when it is feeding time and milking time. They don't mind being handled as long as you stay in a routine. However, if you walk into their living areas at a time of day when they are not used to you being there, and you try doing something to them that they are not accustomed to, such as chasing them around to catch them and tag them, they potentially will hurt or kill you and hurt each other. So why did I bring this up? The cost of NAIS is more than tags and taggers. People can get killed or injured while tagging the animals, and animals can also get injured while being chased and captured for tagging. Placing the RFID tags on the animals is even more dangerous than putting metal tags on them because more precise placement is required.

In addition there are paperwork and vet fees. When NAIS is fully implemented, every birth, death, sale, and movement must be documented. NAIS says third parties such as vets must verify everything. Just getting a vet into our driveway and getting him or her to issue a document each time something changes will cost a minimum of \$50. On a small farm like ours, we can't absorb these added expenses and stay in business. The extra time needed for the added paperwork and filing would make my long days longer, to the extent that other, more important farm tasks wouldn't get completed. Also the money needed to cover fifty calvings each year, the selling of bull calves, the selling or slaughtering of cows and any other cattle movements would total approximately \$5,000 to \$6,000 annually. The fees and time expense alone, without the \$2 per tag cost, would likely put us out of business. There is no way for us to pass these expenses on to someone else like other businesses can. Then if the third party makes a mistake and doesn't document correctly, it could cost the farmer up to \$1,000 per mistake and potential imprisonment.

The MDA also requires that each farm have a premises ID number in order to

obtain tags. I find the attaching of a global positioning satellite number to my private property an invasion of my privacy.

If the NAIS requirements puts our small farm out of business as well as many other small farms, it will hurt the economy by costing other businesses such as hardware stores, equipment dealers and farm and feed suppliers. These businesses will suffer because they will lose customers. There are also environmental impacts. As small farms, one by one, leave the landscape, large concentrated animal feeding operations (CAFO's) move in. These farms keep hundreds, if not thousands, of animals in one place.

Here in Clinton County, hundreds of small farms have gone out of business in these last years and many more will under NAIS. We have many of these large farms in our county now, and they keep getting larger. In our neighborhood there are many days each year when we must keep our windows closed and we can't even put our laundry out on the clothes line because of the stench caused by nearby CAFO's. Friends won't stop and visit because our CAFO neighbors make the air almost impossible to breathe. At its worst, the terrible odors cause my wife, children and me to suffer bad headaches. They also cover the land with so much manure that there are times when our county ditch runs thick with cow manure. This ends up in creeks, rivers, and lakes. It looks like a manure river. Small farms like ours going out of business leads to the continued expansion of CAFO's and this definitely hurts our environment.

So why is NAIS being pushed on us even though it can't stop foodborne illnesses or disease? The answer is money! Industrial Ag. entities such as Cargill Pork and Tyson support this program because it will help eliminate a substantial percentage of small farmers who supply the local food movement. Industrial Ag. wants this movement stopped so that all consumers are forced to return to them. Second, makers of tags and technology will make billions of dollars selling their tags and software. Lastly, livestock associations will make billions of dollars by owning the databases. Since the government will mandate registration and reporting, the private organizations will be able to charge whatever they like because their "customers" are captives of NAIS.

Never in all of U.S. history has such an invasive, intrusive, and unconstitutional program been implemented. This program will end private ownership of farms and animals as we know it. For over 230 years our country has thrived without these measures. Our ancestors fought for freedom and our unalienable rights. They gave us a good country. Is this how we repay them? Do we dishonor their memory by taking away our children's freedoms? I say we shouldn't. We owe it to our ancestors as well as our posterity to end NAIS now. In order for the words of the Declaration of Independence to be true today, the rights of family farmers and consumers must come before the profits of big agri-business, and all those companies that will profit from this scheme.

I declare under penalty of perjury that the foregoing is true and correct.
Executed June 12 2008.

Andrew Schneider
Signed: Andrew Schneider

6-12-2008
Date

Notary public, State of Michigan, County of Ionia
My commission expires 9/3/2010.

Sworn to and subscribed before me in my presence, this day
12th day of June 2008 by Andrew Schneider.

Janet R. Johnston
Signature Notary Public

JANET R. JOHNSTON
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF IONIA
My Commission Expires Sept. 3, 2010
Acting in the County of Ionia



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
LANSING

MITCH IRWIN
DIRECTOR

QUESTIONS AND ANSWERS FOR MANDATORY CATTLE IDENTIFICATION PROGRAM

1) **Q. *What is the official date for using Radio Frequency Identification Device (RFID) electronic tags?***

A. Starting March 1, 2007, all cattle must be identified with RFID electronic ear tags **prior** to movement from premises.

2) **Q. *When do I, as a producer, have to tag my cattle?***

A.

- Cattle must be tagged if they are leaving the farm to be sold or changing ownership. However, producers are encouraged to tag animals born on their farms while the animals are small.
- Note: This is for cattle only, **not** any other livestock species.

3) **Q. *What is the benefit to the state of Michigan for having all cattle electronically identified?***

A.

- Provides assurance for pre-harvest food safety and security.
- Reduces the response time, increases accuracy, and conclusiveness to food borne diseases and to zoonotic diseases.
- Allows Michigan producers to maintain and expand export markets.

4) **Q. *Why is Michigan moving to mandatory electronic ear tags for cattle?***

A.

- Provides for faster intra and interstate animal tracking for disease control and eradication programs.
- May be required by USDA for moving the Bovine Tuberculosis Zones to higher TB status (Modified Accredited Advanced to Free Status).
- Possible elimination of random surveillance TB testing of herds outside the Modified Accredited zone.

11) Q. *Do I need an RFID tag on my cattle that I slaughter for personal consumption?*

A. No. However, cattle in the Modified Accredited Zone (MAZ) going to slaughter for personal consumption must be identified with an RFID ear tag.

12) Q. *Will producers in the MAZ have to pay for their RFID tags?*

A. No. The cattle in the MAZ are required to be annually TB tested; therefore, MDA will provide the tags.

13) Q. *When we start using these RFID tags, do we continue to use the metal TB tags that we are currently using?*

A. No. The RFID tags will replace the metal tags beginning March 1, 2007.

14) Q. *Can producers order tags without a premises number?*

A. No. Tags have to be assigned to a premises for traceability.

15) Q. *Will producers need to have a Radio Frequency Reader to read the tags?*

A. No. Both the front and back of the tag will have the 840 15-numeric characters printed on them.

16) Q. *Are terminal feedlots exempt from using RFID tags?*

A. No. Terminal feedlots need RFID tags on cattle.

17) Q. *Will feeder cattle purchased from another state need RFID tags?*

A.

- Yes. If they are sexually intact (heifers & bulls), they will need RFID tags.
- No. If they are not commingled with any Michigan cattle and are shipped direct to a slaughter plant.

****Please note that cattle WILL need an interstate health certificate and be tagged individually before coming into Michigan. Once leaving the feedlot, cattle must still be identified with a metal ear tag.**

18) Q. *Will producers need to purchase a tag applicator?*

A. Yes. RFID tags require a different applicator than bangle tags. If the applicator has the wrong pin, it will destroy the tamperproof tag when applied.

5) Q. *What organizations/industry groups supported the mandatory program?*

A.

- MDA Bovine Tuberculosis Advisory Committee
- MDA Livestock Identification Advisory Committee
- Michigan Cattlemen's Association
- Michigan Farm Bureau
- Michigan Milk Producer's Association
- Michigan Pork Producer's Association

6) Q. *How does a producer obtain a National Premises Registration Number and/or order tags?*

A. Producers must call Michigan Department of Agriculture at **1-866-870-5136** to receive their National Premises Registration Number and place tag orders.

7) Q. *What is the MDA website for additional information or updates on the mandatory cattle identification program?*

A. The website for additional information or to check for updates on the mandatory cattle identification program is www.michigan.gov/mda and www.michigananimalid.com.

8) Q. *How many premises shall I register?*

A. One or more, depending on whether or not you commingle animals. If you have two herds that are kept separately and never commingled, or located in non-contiguous counties that are miles apart, you may want two premises ID numbers.

9) Q. *Why is Michigan using the USDA 840 RFID electronic tags?*

A. The 840 RFID 15-numeric characters tag is a lifetime number assigned to an individual animal. The tag is never changed unless lost, and then the animal will be retagged at its current premises. **The 840 tag is part of the NAIS program.**

10) Q. *What will happen to the producers that are currently using 982 or 985 ear tags?*

A. These tags will be 'grandfathered' into the system. Once producers use up their supply, then they must order the 840 RFID ear tags.

- 19) **Q. How will producers be billed for the tags?**
- A. Producers will receive a bill from the Holstein Association for Allflex tags if those tags were ordered through MDA.
- 20) **Q. How much will the tags cost?**
- A. The cost of the tags is \$2.00 each and applicator is \$20.00.
- 21) **Q. Where do I apply this new tag?**
- A. Apply the tag to the left ear by following the directions supplied with the tags. The left ear is on the left side of the animal as viewed from behind.
- 22) **Q. How do producers order RFID tags through Northstar Cooperative?**
- A. Call the following number 1-800-631-3510 for customer service. For questions, ask for Extension 668.
- 23) **Q. Do youth exhibitors in 2007 need their animals identified with RFID tags?**
- A. Yes. **All** exhibitors after March 1, 2007 **will** need their animal(s) identified using an RFID tag. All out of state exhibitors who exhibit in Michigan at any show need an RFID tag.
- 24) **Q. Will animals purchased out of state need RFID tags for exhibition in 2007?**
- A. Yes. **All** animals purchased out of state and exhibited after March 1, 2007 **will** be required to have an RFID tag.
- 25) **Q. What happens to the RFID tags when the animal arrives at a slaughter plant?**
- A. The RFID number is recorded in the database, and the tag is removed then destroyed (if the plant is equipped with an RFID reader). Small custom slaughter facilities are asked to remove tags and retain them until picked up by MDA staff.