



### Declaration of Dr. Don McLeod

I, Dr. Don McLeod, certify and state as follows:

1. My name is Dr. Don R. McLeod. I live in Austin, TX, am over eighteen years of age and am fully competent to make this declaration.

2. I received a B. S. in Agriculture from Abilene Christian in 1970 and a B.S. in Veterinary Science from Texas A&M University in 1973. In 1975 I received my Doctor of Veterinary Medicine from Texas A&M University. I have been involved in private practice primarily dealing with cattle and horses most of my professional career. Some of my clients have had large herds of cattle and others 20 head or less.

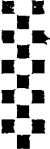
3. I have reviewed some of the USDA's documents on NAIS and it is my expert opinion as a veterinarian that NAIS is not rationally related to addressing animal diseases and will actually be counterproductive.

4. In working with the Texas Animal Health Commission and the USDA as an accredited veterinarian, the existing tracking programs have been successful in my experience. Recently the TAHC notified us veterinarians in the field that Texas is now recognized as a brucellosis Free State and this has been achieved without any NAIS involvement. Any problems with tracking animals under the existing programs have stemmed from possible bureaucratic barriers and/or government inefficiencies. Simply changing the technology to electronic tags will not improve the existing programs. Due to extensive testing under current protocols, Texas is also a tuberculosis Free State as of 2006 and this was accomplished without NAIS.

5. Specifically, in my expert opinion, the electronic tagging and tracking provisions of the NAIS will not be effective in addressing Tuberculosis. The most important field test for the disease is the intra-dermal test which is "read" at 72 hours and the maximum specificity is actually 96 hrs. Confirmation of the diagnosis is accomplished by culture and identification of the organism and requires 4-8 weeks or the PCR method which still requires several days. False negatives can occur due to a variety of reasons, recent calving for example.

6. In my expert opinion, the USDA claim that 48 hours is the "optimal" standard for all disease trace-back is not supported by veterinary science or experience. Concerning the Foot and Mouth Disease which has an incubation period of 2-14 days, the NAIS tagging and tracking provisions will not be effective in addressing this rapidly moving disease. When relative humidity is high climatic conditions can cause a rapid aerosol transmission of FMD.

7. In my experience, both as a cattle practitioner and a cattle rancher, electronic tagging of cattle poses significant problems that are not created by other forms of identification. One large difference on the Texas ranges and pastures of large outfits is being able to identify at a glance or with binoculars conventional ear tagging systems and to know which cow is in heat or needs to be cut out of the herd for treatment or observation. This will not be possible with NAIS chips which require much closer contact with the animal to retrieve identification.



8. In my experience as a veterinarian, NAIS will actually create new disease control programs because it will interfere in the relationships between producers and their veterinarians. Based on my experience with electronic tagging and as a veterinarian, it is my expert opinion that many of my clients would be unable to comply with the NAIS and would be forced to go out of business if it is implemented.

<sup>DWF</sup>  
I declare under penalty of perjury that the foregoing is true and correct. Executed in Austin, Texas on ~~May 18~~ June, 2008.

*June*

*Don R. McLeod* D.V.M.

Dr. Don McLeod