

Fighting for the U.S. Cattle Producer!



R-CALF

USA

R-CALF United Stockgrowers of America
P.O. Box 30715
Billings, MT 59107
Fax: 406-252-3176
Phone: 406-252-2516
Website: www.r-calfusa.com
E-mail: r-calfusa@r-calfusa.com

April 29, 2009

The Honorable Tom Vilsack
Secretary of Agriculture
Attn: Cindy J. Smith, Acting Deputy Under
Secretary for Marketing and Regulatory Programs
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

Dear Secretary Vilsack:

Thank you for your response to our letter of Jan. 20, 2009, concerning minimal-risk rulemaking, country-of-origin labeling (COOL), and the National Animal Identification System (NAIS).

R-CALF USA appreciated your invitation to participate in the NAIS roundtable and because we already expressed our views on how the U.S. Department of Agriculture (USDA) should proceed to improve livestock disease traceability, I will not reiterate our position here. However, I would like to address an issue raised in your April 17, 2009, letter that is of great importance to the membership of R-CALF USA.

Your letter confirmed that, “[p]articipation in NAIS is not a contractual obligation, nor does the issuance of a premises identification number (PIN) restrict or affect property ownership or rights in any way.” This confirmation raises the question of whether USDA communicated this fact to collaborating entities, e.g., state animal health agencies, that are jointly soliciting premises registrations from livestock producers.

For example, the enclosed premises registration application form of a USDA collaborator, the South Dakota Animal Industry Board, was mailed to producers by USDA and contains a “perjury” warning indicating the applicant is obtaining a benefit or other privilege from the State of South Dakota. The only apparent considerations for executing this application are: 1) the applicant is subject to perjury penalties if officials contend that the premises listed was not the “*primary* geographic location where livestock are kept or handled” (emphasis added); and, 2) the applicant’s confidential information is accessible not only for disease traceback, but also for “animal health surveillance purposes,” a phrase which is not defined. This, in our opinion, constitutes a contract between the livestock owner and either or both the State of South Dakota and USDA that would, in fact, affect property ownership and related rights.

We would appreciate your ruling regarding whether the enclosed premises registration form constitutes a contract and would affect property ownership and rights in contradiction of your confirmation that participation in NAIS would result in neither. Thank you for your consideration of this important issue.

Sincerely,

A handwritten signature in black ink that reads 'R. M. Thornsberry D.V.M.' with a stylized flourish at the end.

R.M. Thornsberry, D.V.M.
President, R-CALF USA Board of Directors

Enclosure