

July 30, 2017

Re: Animal Disease Traceability (“ADT”) – a solution in search of a problem

Dear Dr. Geiser-Novotny and Mr. Hammerschmidt:

The undersigned organizations urge USDA **not** to take any steps to adopt new requirements related to animal traceability at this time.

To briefly review the history of this issue: In 2005, USDA released plans for a National Animal Identification System (NAIS). The NAIS called for electronic tagging and tracking through extensive database systems. USDA faced a storm of protests from conventional ranchers, organic farmers, sale barns, homesteaders, pet owners, property rights advocates, and more. In 2010, USDA withdrew the plans for NAIS.

Several of the undersigned organizations participated in the rulemaking process that followed, providing input on realistic approaches to animal identification (“Animal ID”). The agency adopted a system based on cost-effective, low-tech permanent identification methods for animals crossing state lines, with exemptions for situations in which permanent Animal ID is not warranted, such as animals going to slaughter.

In adopting the current ADT rule in 2012, the USDA stated that the issue of requiring identification for cattle under the age of 18 months would be taken into consideration in the future. Several of the undersigned organizations supported this decision – both not to require Animal ID for young cattle, and to consider the unique issues surrounding any such requirement in a focused, tailored manner.

Unfortunately, the meetings held by USDA this year had a much broader agenda. The undersigned organizations thus raise objections to both (i) Phase Two of the ADT program, and (ii) further expansion of animal ID requirements.

I. The process is flawed.

Before addressing the substantive issues, we first object to the process by which USDA has proceeded. The USDA provided very little notice of the April and May meetings, and they were scheduled at the busiest time of the year for many livestock producers. On June 13, the agency posted notice of two additional meetings, but again with relatively short notice. Short notice of meetings is workable for those whose careers are lobbying and government affairs; it is not workable for regular citizens who must balance public involvement with the demands of their normal jobs, whether this is farming or other.

In addition, we object to the plan to unveil the results from these meeting at the Forum on Livestock Traceability sponsored by the National Institute for Animal Agriculture (NIAA) and the U.S. Animal Health Association (USAHA) on September 26-27. The meeting will cost nonmembers \$185 for the registration fee in addition to traveling costs. These two organizations

are privately run entities, not public. The NIAA in particular was instrumental in the development of NAIS in the 1990s and 2000's, and the entire process excluded independent, small-scale, and sustainable producers. Neither organization's membership reflects the concerns of the undersigned organizations and our members, and we object to USDA providing special access to them on the topic of Animal ID.

II. Identifying feeder cattle (Phase II of ADT) is not warranted or realistic at this time.

The first substantive issue, which these outreach meetings should have been limited to, is whether USDA should extend the identification requirements to cattle under the age of 18 months ("feeder cattle") as foreshadowed in the 2012 ADT rule. The undersigned organizations do **not** support such an extension at this time, and the information presented by USDA for these meetings does not support any such extension.

The data provided by USDA has been rather limited, but it indicates that the current ADT program has been successful. *See* USDA Meeting Handout, <https://www.aphis.usda.gov/traceability/downloads/handout.pdf>

According to the USDA handout, in 2013, agencies could identify what state the animal was shipped from only 58% of the time, and it took an average of 138 hours. In 2015, the tracebacks were successful 86% of the time within 32 hours. For tracebacks to identify what location from a state a cow was shipped, it went from 76% success with an average time of 264 hours in 2013, to 91% success in an average time of 41 hours in 2015.

The USDA handout claims that the exemptions are confusing and that the program is impossible to monitor and enforce. Yet the agency's data shows that this limited-scope, low-tech approach works in the real world of the livestock industry.

One of the areas identified as a "challenge" by USDA is at the collection of ID devices and correlation to the carcass through final disposition, which is done at slaughterhouses. If slaughterhouses are having trouble with keeping up with ID under the current program, then the inclusion of feeder cattle would simply worsen the situation, not improve it.

While the USDA meeting handout calls the lack of feeder cattle ID a problem, no real reasons are provided. The handout mentions the risk of disease, but the agency has provided no data about how many outbreaks have been linked to feeder cattle or the scope of any such outbreaks. It appears that USDA is judging the program based on some hypothetical "100% traceability program," rather than identifying where the most serious needs are, in terms of addressing actual disease risks.

III. Further expansion of animal identification requirements is unwarranted and infeasible

The USDA should not establish requirements for intra-state animal ID, nor for the mandatory use of electronic forms of ID.

USDA's handout and statements at the meeting raised multiple issues beyond the issue of the second phase of ADT, including electronic ID and intrastate requirements. Just as with the question of feeder cattle, the agency appears to consider anything less than a 100% traceability program to be a "problem" that must be solved – although it more accurately appears that increased traceability requirements are a solution in search of a problem.

Would a "full traceability" program actually improve disease prevention or response? This is the question that many raised in the debates over NAIS, over a decade ago, and the agency continues to fail to provide an answer. Practical experience indicates that traceability is of only limited use in truly addressing disease.

Consider that the pork industry already has a system fairly similar to NAIS due to the extensive vertical integration in that industry. In 2014, the USDA Secretary's Advisory Committee on Animal Health recommended that "USDA conduct a study to evaluate the response to the PED [Porcine Epidemic Diarrhea] epidemic Include[ing] an analysis of how the PED virus spread, the existence of industry traceability programs and the role they played or could have played in the response, and the role that the Animal Disease Traceability Program played or could have played in the response." https://www.aphis.usda.gov/animal_health/downloads/sacah/report_recommendations_june2014.pdf To our knowledge, no such study has been conducted. Rather, the spread of PED through the swine industry indicates that simply having a traceability program is of little use with a highly contagious virus, such as PED – a problem that would be similar with Foot and Mouth Disease, which is so often used as the justification for increased traceability requirements.

Not only does an expansive traceability program have few benefits, it would create significant problems. In particular, auction sale barns and livestock shipping facilities are simply not equipped to record animal identification information in a timely manner. Requiring the inclusion of feeder cattle IDs at the point of shipping would add hours to the process resulting in trucking delays, extra labor costs, and increased stress on livestock. In addition, the costs of electronic identification and the necessary infrastructure for such a system (including readers, computers, software, database fees) would unfairly burden small and mid-scale producers.

As repeatedly discussed during the fights over NAIS and in the recent meetings hosted by the USDA, one of the main driving forces for a "full traceability system" is the export market and the perceived demands of trading partners. But export markets can and should be addressed through voluntary quality assurance programs, in which premiums are paid to producers who wish to sell their animals into the marketing chain that ultimately leads to exports. The benefits from export markets do not accrue equally across the industry; meat packers are the primary beneficiaries, while farmers and ranchers see little, if any, benefit. Fundamentally, export markets are precisely that – a **market** issue – and should be addressed through market mechanisms and not mandatory government requirements.

IV. Recommendations

1. **Cost-Benefit Analysis:** Before considering any expansion of Animal ID or traceability requirements, USDA should conduct a full cost-benefit analysis and provide it for public comment.
 - a. The cost-benefit analysis should assess multiple alternatives, so that the public and the agencies can consider which alternative(s) are appropriate. The options are **not** simply the status quo or a full NAIS-type system. For example, based on USDA's handout, one of the main problems with the current program is the extensive paperwork managed by federal and state agencies; thus, one alternative is to convert the state and federal agencies' systems to an electronic approach rather than paper, without imposing new requirements on private individuals and businesses. Another alternative is to provide incentives to participate in the quality assurance traceability programs.
 - b. For all the alternatives considered, the analysis should include the full costs of the infrastructure must be included. In the NAIS cost-benefit analysis in 2009, the agency improperly discounted portions of the infrastructure (such as computers and internet access).
 - c. The analysis of the anticipated benefits should not simply assume that greater traceability will avert or minimize disease outbreaks. The analysis should specifically address whether and how increased traceability would prevent or reduce the spread of the disease(s) of concern. The risks of disease outbreaks should be broken down by each industry segment (breeder cattle, feeder cattle, sheep, goats, hogs, and poultry) as well as other sources for disease spread (wildlife, feral hogs, etc.).
2. **Disease Prevention and Identification Analysis:** USDA should focus on steps to improve disease prevention and the economic stability of independent producers, including:
 - a. Banning imports from countries that have FMD in any area of the country;
 - b. Promoting decentralization of the livestock and meat industries; and
 - c. Providing education and resources for producers on healthy animal management.

Submitted:

Cattle Producers of Louisiana
Cattlemen's Texas Longhorn Registry
Center for Cultural Evolution
Colorado Independent Cattle Growers Association
Community Alliance for Global Justice
The Cornucopia Institute
Dakota Rural Action
Family Farm Defenders
Farm Aid
Farm and Ranch Freedom Alliance
Farm-to-Consumer Legal Defense Fund
Food & Water Watch
GROW North Texas
Independent Cattlemen of Nebraska (ICON)
Independent Cattlemen of Wyoming
International Texas Longhorn Association
Kansas Cattlemen's Association
Missouri Rural Crisis Center
Missouri's Best Beef Co-Op
Montana Cattlemen's Association
Murray County, Oklahoma, Independent Cattlemen's Association
National Association of Farm Animal Welfare
National Family Farm Coalition
Nebraska Women Involved in Farm Economics
Northeast Organic Dairy Producers Alliance
Northern Plains Resource Council
Northern Wisconsin Beef Producers Association
Oregon Rural Action
Organization for Competitive Markets
Powder River Basin Resource Council
R-CALF USA
Rocky Mountain Farmers Union
Rural Vermont
South Dakota Stockgrowers Association
Texas Landowners Council
Texas Organic Farmers and Gardeners Association
The Virginia Land Rights Coalition
Virginia Independent Consumers and Farmers Association
Weston A Price Foundation
Western Organization of Resource Councils