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October 23, 2007

The Honorable Tom Harkin  
Chairman  
U.S. Senate Committee on  
Agriculture, Nutrition and Forestry  
328-A Russell  
Washington, D.C. 20510

Re: Request of Moratorium on Further Premise Identification Efforts

Dear Chairman Harkin,

As you know, the National Animal Identification System (NAIS) has been given very poor marks by the Government Accountability Office (GAO) in its report issued this August. The members of R-CALF USA have definitively voted in opposition of this program. There are a number of questions and issues that must be addressed in relation to NAIS before one could reasonably consider whether funding of the program should be continued.

R-CALF USA respectfully requests the U.S. Senate to place a moratorium on any further premises registration, and ask that you specifically defund NAIS, as well as similar systems under any other name, along with its identification components, until a thorough study on the legitimate authority and legal ramifications of the program, as well as a financial audit, may be completed. We also would like to know if the Agriculture Secretary truly has the authority to mandate NAIS under the Animal Health Protection Act (AHPA).

R-CALF USA believes that the U.S. Department of Agriculture (USDA) has used improper and questionable tactics to garner NAIS premise registration numbers. It is our opinion that the methodology used is less than ethical, and that the potential ramifications of a program of this scope and complexity must be assessed and completely understood by all Members of Congress to adequately represent their constituents.

USDA published, in the July 17, 2007, Federal Register, its final rule on Animal Identification Numbers, which repeatedly refers to rolling in all disease-control programs to reach "full implementation" of NAIS. Livestock producers are being rolled into NAIS with, or without, their knowledge or consent. This "full implementation" also is referenced in several NAIS documents and means "mandatory with enforcement."

To increase participation in premise registration, USDA has used Cooperative Agreements to contract with various state departments of agriculture, and other parties, such as FFA, 4-H, state fairs, the National Pork Producers Council and the American Angus Association. Many of these tactics, we believe, have been underhanded, deceptive and unethical. For example:

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- 1) Roll-ins to NAIS through existing state disease-control programs, such as scrapies, calfhood vaccinations and brand registrations, which are mandatory in many Western states. Idaho achieved a 96 percent participation level by rolling into NAIS more than 13,000 registered brands. New York achieved a 58 percent level by rolling into NAIS those who vaccinate their calves. Interestingly, in Wisconsin, which requires mandatory premise registration, USDA reported a 114 percent participation level. How so?
- 2) Some fairs in some states, especially Colorado, require premise registration numbers, especially from FFA and 4-H kids, before these students are allowed to participate in the fairs. These *minors* do not own property, but, nonetheless, are required to have a Premise Identification Number (PIN) to participate.
- 3) Most states give away some sort of premium or financial incentive to encourage people to register their premises. Items vary from coffee cups, to vise grips, and even cash. Producers in Tennessee were required to register their premises if they wanted to participate in the hay-share relief program there.
- 4) In many states, cattle producers, in particular, were told they would have to participate in NAIS to continue to engage in commerce. In Missouri during the summer of 2005, NAIS Committee Member Dr. Taylor Woods visited livestock auction across the state and told producers they would be required to electronically identify their cattle by January 2006, or they would be unable to sell cattle in their state. Approximately 8,000 premises were registered as a result
- 5) USDA also has awarded grants to many non-profit breed and farm organizations, as mentioned earlier, as well as the U.S. Animal Identification Organization for the tracking database. Many pork producers have been required to register their property with PINs or lose their ability to market their hogs, all while USDA continues to state that NAIS "is voluntary with a *capital V*".

There are approximately 100 million head of cattle in the U.S., and the NAIS-compliant RFID tags for these animals would cost approximately \$300 million. The approved device for horses is an implantable microchip with an average cost of \$25 each. In 2006, the USAIO predicted a charge of 30-cents per entry into its database. There is an awful lot of money to be made on the backs of livestock producers that obviously will have an impact on Rural America.

Historically, the United States has had the most efficient and effective disease control programs in the world. Our programs have worked because they were disease-specific and species-specific, and also had good science behind them without being overly burdensome on farmers and ranchers. The U.S. has existing emergency animal disease protocols in place in each and every state, and NAIS will not change the protocols for disease control and eradication. NAIS implementation is both redundant and a waste of taxpayer money. Was it truly the intent of the Congress and Senate to require citizens engaging in the commonplace activity of owning animals to be under such onerous regulations and penalties?

Sincerely,



Dr. Max Thornsberry

President, R-CALF USA Board of Directors

CC: Members of the Senate Agriculture Committee

The Honorable Claire McCaskill

The Honorable Jon Tester