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National Animal Identification System  
Program Staff  
U.S. Department of Agriculture, APHIS, VS  
4700 River Road, Unit 200  
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**Via E-mail: [animalidcomments@aphis.usda.gov](mailto:animalidcomments@aphis.usda.gov)**

**Re: R-CALF USA Comments on National Identification System: A Business Plan to Advance Animal Disease Traceability, Docket No. APHIS-2007-0148, Notice of Availability and Request for Comments**

Dear Administrator:

The Ranchers-Cattlemen Action Legal Fund – United Stockgrowers of America (R-CALF USA) appreciates this opportunity to submit comments regarding the National Animal Identification System (NAIS): A Business Plan to Advance Animal Disease Traceability (Business Plan). R-CALF USA is a non-profit cattle-producer association that represents thousands of U.S. cattle producers in 47 states. R-CALF USA’s mission is to ensure the continued profitability and viability of independent U.S. cattle producers. The demographics of R-CALF USA’s membership are reflective of the demographics of the entire U.S. cattle industry, with membership ranging from the largest of U.S. cattle producers to the smallest. R-CALF USA’s membership consists primarily of cow-calf operators, cattle backgrounders, and feedlot owners. Various main street businesses are associate members of R-CALF USA.

R-CALF USA is concerned that the pronouncements made by the U.S. Department of Agriculture (USDA or Agency) in its Business Plan in support of its advancement of the NAIS, namely to obtain timely traceback data with which to “respond effectively to animal disease events” and to “limit potential harm to animal agriculture, such as loss of producer income” (Business Plan at 1.) is not consistent with recent actions by the Agency when timely traceback data *was* available. For example, in December 2003, the Agency withheld the known origin of the Canadian-born cow infected with bovine spongiform encephalopathy (BSE) discovered in Mabton, Washington, until well *after* over 50 export markets closed their borders to U.S. beef. Those export markets were led to believe, for several days, that the BSE-infected cow was of U.S. origin, resulting in the loss of billions of dollars in lost exports. Also, R-CALF USA informed the Agency in April 2007 that the USDA Office of Inspector General reported that “[a]pproximately 75 percent of the TB-infected cattle detected [in the U.S.] through slaughter surveillance originate in Mexico, and these animals spent months at U.S. farms and feedlots with

no restrictions to prevent commingling with domestic cattle.”<sup>1</sup> In response, the USDA stated it was drafting new rules to strengthen TB regulations. However, to date no such rule has been proposed. In addition, although fever ticks from Mexico have increased in the U.S. in recent years,<sup>2</sup> spreading into areas formerly free of fever ticks in five counties in Texas,<sup>3</sup> the Agency is now proposing to expand access to the U.S. for Mexican cattle originating in regions infested with fever ticks.<sup>4</sup>

There are other examples as well including the Agency’s January 2007 proposal to begin allowing fresh and chilled beef from the Patagonia South Region of Argentina, a country that experienced a foot and mouth disease outbreak as recently as February 2006.<sup>5</sup> And, the Agency’s recent removal of BSE import restrictions for two countries that continue to experience outbreaks of classical BSE, Japan and Canada.<sup>6</sup>

It is disingenuous for USDA to assert that the NAIS is needed to protect the U.S. cattle industry against the possibility of disease outbreaks such as BSE when the Agency simultaneously relaxes longstanding BSE restrictions even after its *base case* modeling predicts that such relaxation would result in the introduction of 21 BSE-infected cattle into the U.S. from Canada.<sup>7</sup>

These actual Agency actions are in conflict with the stated purpose of the NAIS and represent an abrogation of the Agency’s responsibility to prevent the introduction and spread of foreign animal diseases pursuant to the Animal Health Protection Act, 7 U.S.C. §§ 8301 *et seq.* These actions further serve to undermine the Agency’s credibility, generating distrust and suspicion among consumers and among cattle producers that have lost income as a result of the Agency’s inattention to known sources of disease and pest problems. These actions strongly suggest that that a primary, albeit unstated purpose of the NAIS is to manage foreign countries’ disease problems within the borders of the United States, a proposition that R-CALF USA vehemently opposes.

The Business Plan, however, serves to reinforce this inapposite objective by stating that animal identification and traceability, as would be achieved by the NAIS, is “necessary for maintaining trade” (Business Plan at 5.), that the standardization of animal identification with trading partners “is imperative to support trade” (*Id.* at 29.), and that electronic access to traceability information “will be instrumental” in global trade. *Id.* at 35.

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<sup>1</sup> Statement of the Honorable Phyllis K. Fong, Inspector General, before the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, Committee on Appropriations, U.S. House of Representatives, March 1, 2007, at 9.

<sup>2</sup> See USDA, Evaluation of the Risk Associated with Proposed Changes to Rule 9 CFR 93.427(b)(2): Importation of Cattle from States in Mexico Where *Rhipicephalus (Boophilus) annulatus* and *microplus* Ticks (Fever Ticks) Exist, Dec. 2006, at 16.

<sup>3</sup> See Texas Animal Health Commission News Release, “Stakes High in Fight Against the Cattle Fever Tick; Pest Could Spread Coast-to-Coast.”

<sup>4</sup> See 73 Federal Register, January 29, 2008, at 5132.

<sup>5</sup> See 72 Federal Register, January 5, 2007, at 475.

<sup>6</sup> See 72 Federal Register, September 18, 2007, at 53,314; see also 70 Federal Register, Dec. 14, 2005, at 73,905.

<sup>7</sup> See Harvard Model of Bovine Spongiform Encephalopathy Implications of Importing cattle Over 30 Months of Age from Canada, Joshua T. Cohen, Ph.D., Center for the Evaluation of Value and Risk, Tufts New England Medical Center, October 27, 2006, at 4.

Further, the Business Plan is replete with unfounded assertions that misrepresent what is known and unknown about the feasibility and functionality of the NAIS system. For example, without any foundation or support, the Agency claims that it is “prioritizing its efforts by species/sectors where an increase in the traceability infrastructure can have the greatest return on investment.” *Id.* at 1; *see also id.* at 14. However, nowhere does the Agency explain what the amount of the investment would be to implement the NAIS, nor does it attempt to quantify any expected returns. Also, the Agency asserts that the cattle industry “will face new animal health demands as the animal agriculture industry changes.” *Id.* at 4. The Agency, however, fails to explain what animal agriculture industry changes are expected to create new animal health demands. Does the Agency mean that it intends to facilitate more imports from countries with disease problems through continued regulatory relaxations? In addition, the Agency claims that “animal identification helps document the information necessary for age, source, and processed-verified animals” (*Id.* at 28.) but fails to explain why the federal government should intervene in a free market system that already provides age, source, and processed-verified animals as determined by competitive market forces. Moreover, the Agency claims that “brands and the brand infrastructure will continue to be a vital part of animal identification” (*Id.* at 39.) but nowhere does it explain how brands and the brand infrastructure would be integrated into the NAIS.

R-CALF USA is convinced, based on empirical evidence showing the Agency’s intentions to subject the U.S. cattle industry to unnecessary and avoidable disease threats from foreign countries, that the purpose of the NAIS is to provide justification for the Agency’s ongoing efforts to systematically lower longstanding import restrictions that have effectively protected the U.S. cattle herd from disease introduction and spread. R-CALF USA believes that the NAIS is a woefully inadequate substitute for rigorous import restrictions against countries with disease outbreaks. For this reason, R-CALF USA strongly opposes the Agency’s efforts to advance the NAIS. Instead, R-CALF USA recommends that the Agency improve upon existing disease traceback programs, including the restoration of programs recently abandoned, and include in such programs the integration of state brand programs and state brand program infrastructures. Further, R-CALF USA strongly opposes making premises registration or animal identification mandatory for 4-H and FFA, which are USDA-driven programs and recommends that USDA funds presently appropriated for an Animal ID program be redirected to fund ongoing and existing brucellosis surveillance/vaccination programs.

Sincerely,



Bill Bullard  
R-CALF USA CEO